and the Commons would then recommend the King, as they did on the Veto Bill, to create new peers to make a section of the House of Lords amenable to reason or reform. That does not apply here, and that is a feature which members have not touched upon. It is possible in Great Britain, with the system of proportional representation, that the people could return sufficient members to the Commons pledged that the House of Lords should be abolished, provided that the King's consent could be obtained and that the Government desired such a step. Here, however, things are different. If we adopt proportional representation, we must of necessity apply it to the electoral machinery of both Houses. If we work on the franchise on which we are now working the relative value of a vote in the Council would be three times as great as one in the Assembly. I have said very nearly all that there is to say on the motion. I will vote for the motion, but in voting for it I will ask members to take into consideration, as I have done, the possibility of giving effect to it. It is all very well for this Chamber or any other to carry a motion, but I think any motion on an abstract principle like this, worthy of being discussed and agreed to, should involve the duty on those who support it to advocate that effect should be given to it.

On motion by Hon. H. P. Colebatch, debate adjourned.

House adjourned at 9.5 p.m.

Legislative Assembly,

Tuesday, 13th August, 1912.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (2)—STATE BATTERIES.

Cyaniding at Youanmi.

Mr. HEITMANN asked the Minister for Mines: 1, What is the cost of cyaniding sands at the Youanmi State Battery? 2, What is the average cost of cyaniding in connection with the State batteries throughout the State? 3, What is the value and tonnage of the slimes accumulated at the Youanmi State battery? 4, What percentage of gold is won from the sands treated at the Youanmi State battery and what percentage of such gold won is paid to the owners of the sands?

The MINISTER FOR MINES replied: 1, Year 1911, 5/10.96. 2, Year 1911, 6/5.92. 3, To 30th June, 1912, 5,161 tons, assay value 2dwts. 20 grs. per ton. 4, 82 per cent.: 51.3 per cent. (For year 1911.)

Accumulated Slimes.

Mr. HEITMANN asked the Minister for Mines: 1, What is the tonnage and approximate value of slimes accumulated at the State batteries throughout the State? 2, In the annual return of the operations of the State batteries is the value of the accumulated slimes included and credited to the State Batteries Department?

The MINISTER FOR MINES replied: 1, 46,608 tons, having a net value after treatment of £17,114. The accumulations at several plants having been sold are not included in these figures. 2, No.

BILL: FREMANTLE RESERVES SURRENDER.

Introduced by the Premier and read a first time.

BILL—INDUSTRIAL ARBITRATION.

Second Reading.

Debate resumed from the 8th August.

Mr. B. J. STUBBS (Subiaco): I must, at the outset, congratulate——

Mr. Monger: I knew that word was coming.

Mr. B. J. STUBBS: The Attorney General. I hope when the member for York addresses himself to this measure he will also be able to offer his congratulations on the Bill. I must congratulate the Attorney General on the very able speech which he delivered in introducing the measure to the House. I must also say that I was gratified with the reception which the Bill received from the leader of the Opposition. There were only two points in the Bill which he found necessary to adversely criticise, and it is my intention this afternoon to address myself particularly to one of these. The particular objection which the hon. member took was with regard to the clause which is known as giving preference to unionists. The clause of itself does not grant that provision, but it gives to the court the power to do so where the court finds, that it is in the best interests of the working of an industry. When the leader of the Opposition was speaking to this clause he stated that an employer would be compelled to discharge the whole of his non-unionist employees and replace them with unionists. I interjected at the time that the statement was untrue. I was compelled to withdraw that statement because I used unparliamentary language. I believe that had I stated it was not correct I would have been in order. I want to amplify my interjection and say that, whilst it will not be possible that the objection which the leader of the Opposition was taking will apply in all cases, if the court sees fit, they can make an award and provide that the whole of the workers shall become members of a union, or else they would have to leave their positions. I want to point out also that this is like other great questions—subject to the law of the evolution of mind, and we find that when the Arbitration Act was first introduced into New Zealand—and, by the way, that was practically the first Act of the kind that was ever introduced into any Legislature in the world—there was a provision placed in that Act giving employers the first call upon members of employees' unions, and a reciprocal provision in the measure gave members of employees' unions the first call upon an engagement by employers. The first Act we had in Western Australia was almost a facsimile of the New Zealand Act. That embraced a section giving an employer the first call upon the service of members of unions, but the Act omitted the reciprocal section giving members of unions the first call upon employment from employers. When the Act first came into force in New Zealand nearly every award contained what is known as a preference clause. Certainly there was a number of them which did not contain this provision, simply because of the fact that the union could not prove to the satisfaction of the court that it was necessary for the peaceful carrying on of the industry that this provision should be placed in the award. I intend to read to the House some of the early awards of the Arbitration Court in New Zealand, in order to show members the form in which these awards were made and how this particular difficulty was overcome by the court in that country. I will read from an award made in 1900, in which year, I believe, the first awards under the Arbitration Act were delivered in that country, so that members will see the advancement which has been made from the time when that provision was inserted to the present day when the awards are somewhat different to what they were then. This award reads in the portion referring to preference to unions—

> Preference to unionists: If and after the union shall so amend its rules as to permit any person now employed in the trade in this industrial district, and any person who may hereafter reside in this industrial district, and who is a competent journeyman, to become a member of such union upon payment of an entrance fee not exceeding 5s., and of subsequent contributions, whether payable weekly or not, not ex-

ceeding 6d. per week, upon a written application of the person so desiring to join such union, without ballot or other election, and shall give notice in writing of such amendment, with a copy thereof, to the employers, and shall also publish a notice of such amendment, with a copy thereof, in the *Auckland Herald* and in the *Auckland Star* published at the city of Auckland, then and in such case and thereafter employers shall employ members of the union in preference to non-members, provided that there are members of the union equally qualified with non-members to perform the particular work required to be done, and ready and willing to undertake it. Until compliance by the union with the conditions of the last clause, employers may employ journeymen whether members of the union or not; but no employer shall discriminate against members of the union and no employer shall, in the employment or dismissal of journeymen, or in the conduct of his business, do anything for the purpose of injuring the union, whether directly or indirectly. When members of the union and non-members are employed together there shall be no distinction between members and non-members, and both shall work together in harmony and shall receive equal pay for equal work.

The award then deals further with the provisions relating to preference to unionists, but there is another one, of which I wish to read portion which will show more clearly the point I am endeavouring to make. In an award delivered in 1906 the first portion of the clause relating to preference to unionists contains what I have already read, and another portion says—"But this shall not compel the employer to dismiss any person now employed by him." I want hon. members to take particular notice of that portion of this clause.

Hon. Frank Wilson: But that is not in the Bill.

Mr. B. J. STUBBS: It is not in the Bill, but it is a clause in the award where preference to unionists is granted. I want the leader of the Opposition to bear that in mind.

Hon. Frank Wilson: But our court will not be guided by that award.

Mr. B. J. STUBBS: If preference to unionists is in the Act the court will have power to draw up their award in any way they think fit so long as it is consistent with the Act.

Hon. Frank Wilson: They may ignore it.

Mr. B. J. STUBBS: But they can put in their award what I have just read to members if they desire to do so, and I want to show the different attitude which the arbitration court in New Zealand have adopted in later years. These were the first awards. In the early history of the Act there, practically in every preference clause in the awards provision was made that no employee at that time in employment was to be discharged. Later on the court took up a different attitude altogether, and this shows the evolution that took place in opinion on this question. The court in New Zealand eventually came to the conclusion that there is only one way for the satisfactory carrying on of industry and that is not to give preference to unionists, but to make unionism absolutely compulsory. I say there is no other way, and after the preference to unionists provision has been in operation in this State for some time, I am satisfied that the court after having experience of it will come to the same conclusion as did the court in New Zealand.

Mr. George: Are there not unions which refuse to admit members?

Mr. B. J. STUBBS: But the award of the court distinctly lays down the conditions under which members shall be admitted. In every case it says they must be admitted on written application without ballot or any other form of election, that the entrance fee shall be not more than 5s., and the subscription not more than 6d. per week.

Mr. George: Then they cannot make it a close corporation.

Mr. B. J. STUBBS: No; it would be absurd to ask for preference to unionists

and then allow unions to keep some men outside.

Mr. George: That has been done.

Mr. Carpenter: That has not been done in this State.

Mr. B. J. STUBBS: I want to read the form which most of the latter-day awards in New Zealand have taken. They are not all in this form; a number of them are still in the form of the earlier awards I have already read, and it depends wholly and solely upon the evidence adduced before the court as to what the court will grant in this respect. One of the latter-day awards reads as follows:—

(a.) When the employer wishes to obtain the services of a worker he shall in the first instance make an application to the secretary of the union to supply him with the required employee and should the union not be in a position to supply his requirements within a reasonable or prescribed time the employer may engage any person, whether a member of the union or otherwise. (b.) In the event of any employer hereinafter engaging any worker who shall not be a member of the union, and who within one calendar month after his or her engagement shall not become a member of the union, the employer shall dismiss such worker from his service if required to do so by the union, provided there is then a member of the union equally competent to perform the particular work required to be done and ready and willing to undertake the same. (c.) The employer shall be in all cases the judge of the respective qualifications, and in considering the qualifications of the member offered to replace the non-member the employer shall be entitled to take into account such matters as the personal appearance and manner of the two workers, and generally their respective suitability for the work required to be done. (d.) The provisions of the foregoing clause shall operate if and only so long as the rules of the union shall permit any person of good character and sober habits to become a member of the union upon payment of an entrance fee not exceeding 5s., upon a written or verbal application, without ballot or other election and to continue a member upon payment of subsequent contributions not exceeding 6d. per week.

The court leaves it purely to the employer to say whether a man is competent to perform that work. The court sets the wages and conditions of employment, but leaves it to the employer to say whether a man is a satisfactory workman or not. I think that is only reasonable, but I wish to point out that after lengthy experience in New Zealand the court there has come to the conclusion that there is only one way of successfully carrying on an industry and that is by making it absolutely compulsory that workers shall become members of unions. I do not wish to reiterate what I have already said, but I do not think that if we give the court a free hand, and place the obligation on the workers who approach that Court to prove the necessity for granting preference to unionists, the court before long will come to the same conclusion as the court in New Zealand, namely, that it is necessary to make unionism absolutely compulsory. There is another aspect of the Bill I wish to touch upon, and that is the encouragement given to industrial agreements. We find that during 1910, the year for which the latest report is available from the Inspector under the Industrial Conciliation and Arbitration Act, there were twelve industrial agreements entered into. I have it on very good authority that there are 26 industrial agreements already entered into this year, although little more than half the year has gone, and the encouragement which has been granted in this Bill—which gives the court power to make an industrial agreement an award of the court, which will, *ipso facto*, become a common rule for that portion of the State over which the award operates—will directly encourage industrial agreements. The leader of the Opposition complained that we were going to overload the court with work. I am convinced that we are going to greatly lessen the work of the Arbitratior

Court by encouraging industrial agreements and enabling such agreements to have the same force as awards, because I am satisfied that the great majority of employers and the workers can come together, settle their grievances, and make a workable agreement for the carrying on of an industry. But there is always a certain section of the employers, what we may call the disreputable class of employers, who will not fall in line, those who are endeavouring to take a mean advantage of the workers and good employers under an industrial agreement; you cannot get at this class. By giving power to have an industrial agreement made an award of the court, and that the award is to act as a common rule, I am convinced there will be a vast increase in the industrial agreements made in the near future. There is another pleasing feature in regard to the Bill. That is, the definition of "strike" and "lock-out" has been put into the Bill; that was something that was absent from our Act. I think it will make for the better carrying out of this class of legislation by having this definition placed in the measure. Another great improvement in the Bill is the fact that we have entirely abolished the conciliation board. These boards have for years past proved absolutely worthless. Neither the workers, nor the employers were satisfied to go to the conciliation boards because of the fact that either party feeling aggrieved had the power to appeal to the Arbitration Court, and the award of the conciliation board could thereby be upset. Any body or person going to a board, if they do not gain all they were asking for, are not likely to be satisfied with the award if there is an opportunity of appealing from it. I am glad conciliation has been done away with, and the making of the decision of the court absolutely final. There is also the provision to increase the members' salaries. I think this is a good provision also. I think while the Bill was being drafted the Government should have gone a little further in this direction. The members of the Arbitration Court in New Zealand are paid £500 a year each. I think we might have increased the remuneration of the members of the court here to the same amount. There can be no difference of opinion on the question that the labours of members of the Arbitration Court are very arduous. They entail an amount of study, especially on the part of lay members who have to make themselves as conversant as possible with all awards that are issued right throughout the world, whether by wages boards or arbitration courts, and it must entail a large amount of worry and trouble to those members. The leader of the Opposition the other night in speaking, also found fault because he said that the court would have the power to regulate the most minute detail of an industry, and he said the Attorney General made that statement in introducing the Bill. Whilst the Attorney General did make the statement he qualified it by saying they would have power to regulate the most minute detail, if it were a ground of industrial dispute. There is no reason why any detail no matter how small, for the carrying on of an industry if it is likely to cause disruption should not be inquired into by the court. There are more industrial troubles brought about by the small details, the pin pricks as it were, in connection with an industry, than by the larger questions, and I am pleased indeed there is no detail too small by which an industrial trouble may be brought about that the court cannot deal with in making their award. I do not know there is any other part of the Bill I intend to speak on at present. There are several clauses that I desire to see slightly amended in Committee and I shall avail myself of the opportunity of endeavouring to have them amended in what I think is the right direction when the Bill is in Committee, but I again congratulate the Attorney General and the Government on having brought forward this measure which I feel sure, if it is given a chance to become law, will prove in a very short time to be a boon to the employing class and the employee as well.

[*The Deputy Speaker took the Chair.*]

Hon. J. MITCHELL (Northam): No one questions the desirableness of bringing legislation up to date from time to

time, and in amending the Arbitration Act, the Attorney General in his speech made the intentions of the Government absolutely clear. There are many provisions which will be approved of by all members, and there are other provisions which will be strenuously fought. We are so few in numbers on this side that I do not expect that we shall carry any very drastic amendments, but we mean to fight the Bill in Committee and endeavour to make the Bill which has been introduced by the Attorney General a workable one. It seems to me that the Bill will not answer the purpose which the Attorney General desires, if it is to contain the provisions that certain workmen are to be given a preference. All workers are not to have the same right as those who belong to unions.

Mr. B. J. Stubbs: As to what?

Hon. J. MITCHELL: Under the Bill, to approach the court. Unions of workers mostly are political organisations, and it does not appeal to the honest man that workers should be compelled to join unions that are purely political machines. I am willing to admit that unionism, up to a certain point, does a deal of good. I know what happened for years in this State, and I know men in various industries got better wages and conditions, and their lot was improved in many ways by unions. I admit that, and I admit, if you like, that the early unions did not penalise the workers in the fashion that they have been penalised lately. When the unions were formed on the goldfields and down in the timber country, the unionists there obtained better conditions without having to pay the piper. They got a little more of the profits that the companies were making, but they were not penalised by the high cost of living. Members opposite are apt to ride hobbies to death, and I think they have, during the last twelve months, done so. When the early unions were formed they were unions of workers—wage earners—engaged in industries which were making a considerable profit. These workers got increased wages and improved conditions, part of the profit which they were perhaps entitled to. But unions have since been formed, many of them—and the member for Subiaco has spent a great deal of time in forming unions—including bootmakers, butchers, and so on. There are now unions of employees of butchers, bakers, grocers, barbers, and all the trades that are supplying the wants of the working men to-day. These unions were perfectly justified; they did not, however, secure the profits that the employers were making, but they secured some of the wages of the wage earning class. In all the industries I have just mentioned it has been possible for the employer to pass on the disadvantage, he has passed it on the good old system. It matters little to the retail butchers or the bakers of Perth what wages they are called on to pay because they can make the consumer pay it. It must be patent to all that when you add the cost on to a commodity, the worker is the man heavily penalised. It is known that every person who buys meat, bread, and so forth must be penalised if the employees in those industries are granted higher wages. The man earning £500 a year can cut down his expenses if he chooses, but the wage earner, the man who is receiving 9s., 10s., and 11s. a day, must spend all his money in order to live in comfort and get the necessaries of life. These men have been penalised by increased prices, and the increased prices are mainly due to the fact that men have been formed into unions and demand higher wages and better conditions, and have put forward reduced effort. We saw the other day in the town represented by the member for Fremantle that a furniture manufacturer said he had increased the wages of his employees during the past twelve months with the result, not what he expected, increased effort, but less effort. Men had turned out less work than they had done before.

Mr. Carpenter: Who made that statement?

Hon. J. MITCHELL: Mr. Locke, in the Arbitration Court. Increased wages may sometimes lead to increased effort and to better output, and, therefore, cause cheaper work, but the system now

is not only increased wages, but reduced effort. If there is one case that has fairly shown what has happened in connection with a union and those who supply the daily wants of the people, it is in the increase in price of hair cutting. Not so long ago the barbers agreed to pay increased wages, and all the unionists readily agreed to pay 3d. more for hair cutting than before. They agreed in that case because a man can have his hair cut once a month, or once now and again, if he is prepared to bear the discomfort of having long hair for a time. That is a small matter, but it shows that people are penalised by the formation of unions that supply the daily wants of the people. I make the point again that these unions are totally different from the early unions which were entirely composed of workers in industries that were making fairly big profits. One can fairly understand that master butchers, if they are cited to court, are not frightened, because they will simply add the extra cost to the article they supply to their consumers. And so it is all along the line with the suppliers. If the shop assistants are to get more wages, it will not trouble the owners of the stores, because they will simply put it on to the goods supplied to their consumers.

Mr. Heitmann: Do you say that shop assistants should not get more wages?

Hon. J. MITCHELL: No, but I wish to say that unionism has not always brought benefit to the people concerned. The shop assistants will get no more money, because right along the line, from A. to Z, costs have been increased and suppliers will subtract from the wages of the shop assistants a little more than they took before. The increase of wages during the last few years has not covered the added cost of living. Take the clerks. The Attorney General attended a meeting of clerks employed by the Government. Their wages have not been increased, but their living costs have been increased, not by a butchers' ring, but by the very fact that unions have set up a demand for higher prices on all things they consume. The Attorney General applauded the fact that they were going to form a union, and were going to the Arbitration Court.

The Premier: Those were temporary clerks.

Hon. J. MITCHELL: They are Government clerks all the same. It does not matter whether they are temporary or otherwise. I think all the clerks in the Government should be employed under the Public Service Commissioner and subject to him.

The Premier: Oh no.

Hon. J. MITCHELL: Most assuredly they should. The Ministers represent the people, and when it comes to a question of citing the Government to the Arbitration Court, they will have to appear, though probably they will send along the Public Service Commissioner to fight the case for them. It is a most extraordinary thing to find the Attorney-General encouraging these clerks to form a union. If they are entitled to increased wages, why not give it to them? It is a simple matter for the Government—they can do it by a stroke of the pen. I wonder why it has not already been granted to them. In the last award the Public Service Commissioner said that married men were to get £12 a year more than single men, but I doubt if any married man has got it. The Public Service Commissioner said the reason for it was the increased cost of living.

The Premier: To whom did he say that?

Hon. J. MITCHELL: To the Government.

The Premier: You are a long way behind. We did not agree to that.

Hon. J. MITCHELL: I think you should, because the increased cost of living is due largely to the fact that there have been extensive additions to wages, and people find it a very difficult thing to make both ends meet. Now, by this Bill, all are forced to join a union—unions of workers or unions of employers; if people are not unionists, they have no rights at all.

The Attorney General: Do you not believe in unions?

Hon. J. MITCHELL: Not political unions. I think political unions are abso-

lutely objectionable. Unions are necessary to protect the workers, I am quite willing to admit, and I have already remarked that in the timber and the gold mining industries the unions got something they were entitled to without penalising the whole community.

The Premier: You are in a Liberal union; the Liberal League is a union.

Hon. J. MITCHELL: I will have to be in a union very soon, because the Attorney General says that I must. We will have all these unions, but only one court to deal with every industry. Take the secondary industries as distinct from the primary producers. It should be possible to get three gentlemen to sit on the bench and determine just what may be best for the secondary industries, to limit the hours of work, and name the hours of a day within which a man may make a coat or a table or do anything else; but is is altogether a different matter with a primary industry; that is Nature's work, and has to be done any time within the 24 hours as the season demands. If we have simply one court to determine all matters, and sitting in Perth probably——

The Attorney General: The court will sit anywhere.

Hon. J. MITCHELL: The court usually sits in Perth—I feel we shall not get results even as satisfactory as we have so far obtained from the court. The Attorney General knows full well that it will need special skill and knowledge to determine just what can be done in connection with agriculture. Take the harvesting of the wheat crop or the freezing of lambs for export. With these things the work has to be done just when the season demands. While the court may endeavour to say just what hours a man may work in the secondary industries, it would be impossible to carry on agriculture if the conditions are not made to fit the industry. I venture to say it is very doubtful if we shall get this result from the Arbitration Court as at present constituted.

The Attorney General: Is it not a matter of evidence?

Hon. J. MITCHELL: To some extent it is. While I have no objection to the inclusion of anyone under the Bill, I would like to see the Attorney General provide for wages boards in order that the best possible result may be obtained. Take the agricultural industry, it must be perfectly patent to anyone that, if we have wages boards consisting of workers and employers, with a judge of the Supreme Court as president, we will get the best possible results; because the men constituting that board would know exactly what is best for the industry, and I venture to say that the workers would be perfectly prepared to say what was best in the interests of the producers; but if we brought the case to the Arbitration Court in Perth, it would be a matter of evidence, and satisfactory evidence might not be forthcoming, at any rate, to a sufficient extent to enable those forming the Arbitration Court to determine what is necessary in order that production may not be retarded, or the gathering in of the crop interfered with. I believe the wages board system in Victoria works well; and when we have every industry represented by a union, even domestic servants, it is advisable that we should follow a practice that has succeeded in some other State. We have a large scattered community, and the interests of the people are varied and many, and it seems to me that the Attorney General would be well advised to see, even now, if it is not possible to adopt the wages board system.

Mr. O'Loghlen: A wages board gave 30s. a week to tanners in Victoria.

Hon. J. MITCHELL: The Arbitration Court might do the same, though I do not think it possible that it would be done here.

Mr. O'Loghlen: It would never be accepted.

Hon. J. MITCHELL: I doubt if it would be done even in Victoria; I doubt if it is a living wage there. The Bill provides that a man must have a living wage, and it is further provided that, in fixing the award, the court must have some consideration for domestic responsibilities. I do not know what that means; I dare say it is an innovation put into the Bill by the Attorney General; but at any rate, it answers the objection raised by the member for Forrest. The Bill provides that a man must get enough to live on,

and the court must take into consideration a man's half a dozen children. I am not by the way, agreeing with this provision, because I think it sets up a very difficult question for the court to decide, and an impossible one for the employer to face. Obviously, he can only pay wages for services rendered, and if these services are rendered equally well by a single man, he will not pay higher wages to a man because he happens to have a large family. There are many good points in the Bill but I must leave those to be mentioned by my friends opposite. I admit it is a fair attempt in many ways to prevent strikes and bring about a better feeling between employers and workers. I admit there are many good features in the Bill, which I hope will be carried into law. However. I sympathise with the Attorney General when he puts into the measure some of the clauses we find. There is one provision by which the president of the court need not be a judge or a lawyer. He may be a layman. I think it is a great mistake, because the Attorney General admitted just now it was a question of evidence, and he will know, because he is a lawyer, that, if it is a question of evidence, we must have a trained man to determine what is evidence. It is not a question a layman can face; it is not a position in which a layman should be placed. Apart from that, since the appointment must be made by some Government—to-day it would be the Attorney General, and the time may come when the late Attorney General may come into that chair—it is likely to be a partisan appointment.

The Premier: We will have a lot of experience of the measure before that happens.

Hon. J. MITCHELL: I do not think you will. At any rate it is quite possible for it to be a partisan appointment. We have had some experience lately of appointments of a partisan character.

Mr. O'Loghlen: Where?

Hon. J. MITCHELL: The Chinn appointment. That is not the only one.

The DEPUTY SPEAKER: The hon. member is dealing with the Industrial Arbitration Bill.

Hon. J. MITCHELL: Yes, and I am dealing with the appointment of the president of the court, and making a comparison which I think I am entitled to make. I say that no matter who sits on the Government benches it may become a partisan appointment. It has to be remembered the Bill is not intended to deprive men of work. It is intended to encourage the worker and to encourage enterprise, and I venture to say that is the wish of the Attorney General. He wants to encourage the man who works and the man who povides the work, and it is right he should encourage both; because, after all, it is a question of supply and demand. If he does not encourage enterprise, he will not have work for his unions. The present system of appointing a judge of the Supreme Court is perfectly right and fair, and I hope, before this Bill becomes law, it will be provided that a judge is to be the president. I understand there are four judges now and that their time is not fully occupied.

The Attorney General: One left for England to-day.

Hon. J. MITCHELL: He will probably be back before the Bill becomes law, or, at any rate, soon after. I believe that the four judges can do the work now demanded of them, including the arbitration work. I admit that, in the wider scope this Bill provides, there will be a great deal more work, and it may mean a congestion of work for one court to decide all matters. At any rate, we should have a judge, or at least a lawyer who is capable of taking a position on the bench.

The Attorney General: The clause does not prevent a judge being appointed.

Hon. J. MITCHELL: It does not prevent it, but it does not say that a judge is to be appointed, and we want the Bill to say that a judge shall be president of the Arbitration Court. It is a matter of evidence. It is not a matter that should be left to a layman, and certainly the appointment should not be made for a limited number of years. I have always objected to appointing any senior officer for a limited term. Such a one should be in an absolutely independent position. If he is removed from the bench his de-

clining years should be provided for, and it should not be necessary for him to seek a renewal of his appointment just before his term is up. He should be appointed as judges are. There should be no limitation to the term. I object that it should be impossible for the Attorney General to appoint a layman, and I object to the term of years being limited. I should object if this term were to be applied to any of our senior officers. It is wrong in the departments, and it would be equally wrong, or even more so, in this case. The man who sits as president of the arbitration court should be absolutely safe from removal at the whim of any Government. He should be there until he retires, and when he retires it should be on a pension, just as in the case of a judge of the Supreme Court. Would the Attorney General dream of appointing a judge for a certain term of years? I hope this question of president will be re-considered by the Attorney General, and that he will agree to make the president a judge of the Supreme Court. The Attorney General desires that the Bill should become law. We also would like to see it law, subject, of course to certain alterations, and I think the Attorney General might well meet us on this important point. Again, there is the provision for grading. I do not see how the president of the arbitration court and the two gentlemen sitting with him could possibly grade a band of workers, could go into a workshop in Perth, or on to any farm in the country and say what grade each individual should occupy.

The Attorney General: Is that not evidence too?

Hon. J. MITCHELL: If each man is to give evidence you will require a hundred presidents. It should be sufficient that the court fix the minimum wage, leaving it to the employer to grade his own men. Is the House going to agree that the president shall, without special knowledge, say just where each workman shall be placed, and what he shall be paid? This clause, so far as we are concerned, will not find much support. Of course the Attorney General has the votes with him, but I do not understand why the provision is in the Bill at all. What is it that the Attorney General seeks to obtain by this provision for grading? The Honorary Minister, by interjection, the other night, said it was not intended to classify the men, but the work. However we know full well that that is not a very satisfactory system. I venture to say that if the work is classified and some of the men reduced, while others are put up, because of the relative importance of their work, there would be an insurrection.

Mr. O'Loghlen: Some of the employers deserve to have an insurrection.

Hon. J. MITCHELL: Yet the question has to be faced from both points of view. Not only will the pay of a man be prescribed, but the conditions under which a man has to work will also be fixed. Would it be possible for the president to go into a factory, and say how, where, and when the various branches of the work should be carried on. I think the Attorney General is seeking to do something altogether impossible.

The Attorney General: Still, it is very necessary.

Hon. J. MITCHELL: I object also to this provision giving preference to unionists. The Attorney General will say that it is merely at the discretion of the judge. Still, it is in the Bill, and naturally the president will take it as an instruction that he is to give preference to unionists.

Mr. Heitmann: Oh, nonsense.

Hon. J. MITCHELL: It is an objectionable provision, which no right-thinking man should agree to. Why should a unionist be given preference?

The Attorney General: Because he has shown his better sense by being a unionist in the first place.

Hon. J. MITCHELL: If he would come and look around this House and see what he has done, he would agree that he has not shown much sense. The Attorney General is satisfied that unionists showed good sense in putting him in power, but I doubt if they think so now. At any rate this is not the question. The question is why should preference be given to anyone? The Bill provides, and I admit it is very cunningly provided,

that not only is preference to be given to unionists, but an employer may demand the services of any out-of-work unionist. Does that mean that if an employer has free workers, whom he took on when it was impossible to obtain the services of unionists, he must subsequently displace those free workers in order that unionists might have their jobs? That is what the Bill provides.

The Attorney General: No.

Hon. J. MITCHELL: At any rate if the court orders an employer to give preference to a unionist who is out of work, the free worker must make room for him. I am willing to admit that unionism has done some good, but I am not prepared to admit that it has done so much good that its members are entitled to special recognition to the extent that they should have work while a man who is not a unionist has to starve.

Mr. O'Loghlen: You were never a unionist, yet you do not look as though you were starving.

Hon. J. MITCHELL: The Attorney General knows it is not always possible for a man to become a member of a union, although, on the other hand, it is always possible for a man, if his political creed be not right, to be dismissed from or refused entrance to a union. That provides for tyranny of the worst order. A union is in many cases a close preserve. We know of recent instances of deposits being returned to men who were not accepted by a union. Can the Attorney General in all seriousness ask the House to give preference to a class of men who make of a union a close preserve, and refuse to admit members when they think there are already sufficient to do the work offering. Then there is the limitation of the working hours of the piece-workers. Whilst I believe in eight hours a day for eight hours' pay, I am not prepared to say that a man shall not be permitted to earn all that he can. We in the agricultural districts employ clearers on piecework. We know that the men engaged on that work make far more than ordinary wages. They work extra hours in order that they may make far more than they could get at an ordinary day's work. Does the Attorney General argue that piece-workers should not be allowed to work whenever they please, that the court is to have power to say that a man grubbing timber must not work longer than eight hours a day, or that a man clearing a railway truck for my friend the Minister for Railways shall not work beyond this period?

Mr. Green: Do you not think eight hours timber grubbing long enough?

Hon. J. MITCHELL: It is not a question of whether it is long enough, it is a question of allowing the piece-worker some freedom. Still, eight hours of such work would not be sufficient to keep my young friend in order. His conduct in the House shows that. There are many classes of work requiring to be done on this system, such as dam sinking, well sinking, and a number of other tasks which are all legitimately piece work, and I daresay there is piece-work going on in the City. So long as a man is working for himself and getting fair reward for his labour, can there be any objection to his working as long as he likes?

Mr. B. J. Stubbs: In some trades, yes.

Hon. J. MITCHELL: Well, let us know those trades. The Bill applies to all trades. Would the member for Forrest agree to the limiting of hours where timber hewers are at work?

Mr. O'Loghlen: Certainly.

Hon. J. MITCHELL: Would he agree to the limitation of hours in all industries? At any rate the timber cutters, when they are at work, work long hours and then go away on a holiday once in three months—a very good system, too. They are willing to work longer hours in order that they may get occasional relief by coming to the City. There is no reason why the people willing to take piecework should not have freedom to do as they please. They are not working for a fixed daily wage, but they get their reward in accordance with the work they do. Is it because of the limitation of so many of our industries that the Attorney-General desires to limit the hours of piece workers? These are the four provisions which seem to me to be the most objectionable features in the Bill. Of course,

there are minor alterations which require to be made. For instance, it is provided that the free worker cannot get to the court, whereas a union of ten men may. Ten unionists may form a union and may approach the court. If ten unionists can get to the court, why not ten free workers, what is the difference?

The Attorney General: They could form a union.

Hon. J. MITCHELL: If they did, they would have to join the other unions.

The Attorney General: Not at all.

Hon. J. MITCHELL: Yes, if there is already a union in connection with a particular industry, they cannot form a second union and get registration.

Mr. Heitmann: There is no necessity.

Hon. J. MITCHELL: If on the two sides of Hay-street we have two factories, one composed of unionists and the other composed of free workers——

Mr. E. B. Johnston: Of "scabs."

Hon. J. MITCHELL: Not necessarily "scabs."

Mr. E. B. Johnston: Heroes then.

Hon. J. MITCHELL: They may be heroes, because it requires some pluck to refuse to put their few shillings into a political fund or union. If it is provided that the unionist workers, although they are not concerned at all with the workers in the factory on the opposite side of the street where the workers are free, may appeal to the court for an award to apply to the free workers——

The Attorney General: Is not that right?

Hon. J. MITCHELL: I do not think so. There should be provision under the Bill for the free workers to get to the court and we should not make the Bill apply to men who are not concerned at all in what the others are doing.

Mr. B. J. Stubbs: Of course we should.

Hon. J. MITCHELL: I think all should be able to get to the court and I think these free workers, if they number ten, which is the number the union men must have, should be allowed to appeal to the court. This provision is quite apart from the common rule which may apply within the area. It gives to the unionist workers a right to dominate the free workers and say what they will do. All I ask, and I think we are entitled to ask it, is, if it is wise for these men to get to the court the others should be able to get to the court. Why allow the unionist workers on the opposite side of the street to get an award to apply to the others?

Mr. Heitmann: Would you have two awards, one for the one side of the street and one for the other?

Hon. J. MITCHELL: I am not asking for two awards at all.

Mr. Heitmann: What do you ask then?

Hon. J. MITCHELL: I am asking that men should have absolute freedom. Why should we compel them to join unions or be dominated by unionists?

The Attorney General: Would you give freedom to do wrong or commit an injury?

Hon. J. MITCHELL: The unionists are more likely to do wrong than the free workers.

The Attorney General: That is no answer.

Hon. J. MITCHELL: I do not believe in anyone doing wrong. I am objecting that the Attorney General intends to do a wrong under this measure. I say he is doing a wrong in denying free workers rights at all.

The Attorney General: They have the same freedom.

Hon. J. MITCHELL: That freedom is absolute slavery.

Mr. B. J. Stubbs: Did you ever know a free labourer who would not take the extra wages secured by the unions?

Hon. J. MITCHELL: It is our duty to see that this Act is made as workable as possible. We want to see the present Act amended and this measure should be amended before it becomes law. I am merely objecting, and the interjections have disturbed me somewhat, to the provision which says the unionists shall have control. I believe all workers should be free. When the Attorney General would make everyone a unionist——

Mr. George: Then we shall be free.

Hon. J. MITCHELL: There will be no union. In the meantime there are some men who will be dismissed from the

unions, and others who are not allowed to join, and others for whom there is no room in the unions. Will the Attorney General say that these men, no matter what their merits—they may be better workers—must stand at the street corners and starve.

Mr. Gill: There is some doubt about the type you are advocating being good workers.

Hon. J. MITCHELL: I am advocating that this Bill which provides preference to unionists shall also give the right to free workers to approach the court and give them the right of freedom. It seems a scandalous provision that men not concerned at all in the work of free labourers should have the right to go to the court and get an award.

Mr. Heitmann: If they are not concerned, it will not affect them.

Hon. J. MITCHELL: The number of ten is very small, that is the number of unionists who may approach the court, and any ten free workers should have the right to approach the court. Because a man is not in the union, it does not mean that he wishes to work for less than union rate of wages. There are many men who are not unionists because they object to unionism. I can understand the Attorney General wishing to bring them in to join this great political organisation, but I do not think it right that the House should join with the Attorney General in taking away the freedom of the people.

Mr. Heitmann: Why did not you amend the present Act?

Hon. J. MITCHELL: It takes ten men to form a union and it takes 50 employers to form an employers' union.

The Attorney General: What is that?

Hon. J. MITCHELL: It takes ten men to form a union and the employers of 50 workmen to form a union. Two employers may approach the court. If ten workmen can get to the court, why stipulate that the employers must be employers of 50?

The Attorney General: No, one employer.

Hon. J. MITCHELL: One employer of 50.

The Attorney General: No, you can form an association of employers, but any employer can approach the court.

Hon. J. MITCHELL: The employers union must consist of 50.

The Attorney General: It is the employers' association.

Hon. J. MITCHELL: It is the same thing.

Mr. Heitmann: No, it is totally different.

Mr. Munsie: The hon. gentleman does not know the difference between a union and an association.

Hon. J. MITCHELL: Domestic servants are included under the Bill, and the employers of ten domestic servants should certainly have the same right as ten domestic servants themselves have to form a union. May I read the clause.

Mr. Heitmann: You want to read the Bill right through.

Hon. J. MITCHELL: The clause reads—

> Any society consisting—(a) in the case of employers of two or more persons who have in the aggregate throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less than fifty workers or (b) in the case of workers, of any number of workers not less than ten.

The Attorney General: Any individual employer can go to the court.

Hon. J. MITCHELL: He could be taken to the court no doubt.

The Attorney General: And he can take his men to the court.

Hon. J. MITCHELL: Where is that provided?

The Attorney General: All through.

Hon. J. MITCHELL: I am pleased to have the assurance of the Attorney General that that is what he intends. If he finds it is not so provided, I hope he will make it clear.

The Attorney General: You know it is clear.

Hon. J. MITCHELL: No. I have read the Bill through many times and I do not think that is clear, but I will accept the assurance of the Attorney Gen-

eral that any employer may go to the court.

Mr. Heitmann: A good strong point.

Hon. J. MITCHELL: It is a strong point. There is no reason why the number of employees should be limited if you have an unlimited number of employers. This Bill is designed to secure industrial peace and goodwill between employers and employees. There is another clause I object to and that is the one which gives unions power to recover fees. I daresay it is sometimes impossible for a workman to forward his entrance fees when he becomes a member of a union, but there is no reason why the fees should not be prepaid.

[*The Speaker resumed the Chair.*]

Hon. J. MITCHELL: I remember a case where the rural workers' union sued a workman who had a good number of children and who was ordered to pay the fees and ten shillings costs or in default to be imprisoned for 14 days. In his case it is said that he resigned, but he evidently could not produce proof and the magistrate gave the award against him, I suppose under the Act. It should not be possible for any union to recover fees by process of law.

Mr. Heitmann: Why?

Hon. J. MITCHELL: Because the fees should be prepaid. There is no reason why they should not be prepaid and there is every reason why they should not be recovered through the court, especially if the funds are used for political purposes.

The Premier: Did not the Liberal union sue someone for money promised?

Hon. J. MITCHELL: I do not remember. Did they sue the Premier?

The Premier: No, they would sue someone who had money.

Hon. J. MITCHELL: Surely then they would go for the Premier.

The Premier: You look up the history and you will see that they did.

Hon. J. MITCHELL: When we come to the clause in the Bill I will try to have it altered. I am aware that a case of hardship——

Mr. O'Loghlen: One case.

Hon. J. MITCHELL: No, I can give ten or a dozen cases.

Mr. O'Loghlen: There were not ten or a dozen.

Hon. J. MITCHELL: I believe there were. This one case, however, is enough for me. Here is a man with a family, a hard working man who finds it difficult to make both ends meet, he is induced to join a union, he says he told the president that he wanted his name taken off the books, it was left on and he was taken to the court, and he was not only fined but he would have been committed to prison if he had not been able to pay the dues and the witness fees. It is the duty of every member of the House to see that when the Bill becomes law, it will be fair to everyone, fair to the workers and fair to the employers. Were there but one man upon whom a hardship has been inflicted we should hesitate to continue the power which the unions possess.

Mr. O'Loghlen: What, do you suggest taking that power away?

Hon. J. MITCHELL: I suggest that the Bill should not give power to unions to proceed against the men to recover fees.

The Attorney General: Do you want the unions to become bankrupt?

Hon. J. MITCHELL: No, the fees are small and can be prepaid. I think they are only 6d. or 1s. a week. The unions could see that the members prepay their fees.

Mr. Heitmann: Friendly societies have the same power.

Hon. J. MITCHELL: There are advantages in a friendly society and the men contribute for certain benefits. It is inconceivable that the hon. member can compare the two, the benefits accruing to unionists through their unions are not comparable with the benefits received from a benefit sociey: they are totally different. A friendly society pays a monetary benefit at death and funeral expenses. I would like in conclusion to ask the Attorney General to tell the House just how men become members of unions. I want to know if they are elected, if they can be rejected, if the unions which exist to-day—and the Bill proposes

to give preference to unionists—can say that no other man shall join their union.

The Attorney General: Look at the clause.

Hon. J. MITCHELL: It is not made clear in the Bill. What I want to know is how a man can become a member of a union, and whether he becomes a member merely at the will of his fellows who are already in.

Hon. W. C. Angwin (Honorary Minister): Are you a member of a union?

Hon. J. MITCHELL: I am a free man. I repeat that I would like the Attorney General to state whether a member of a union can be rejected on the vote of other members.

The Premier: You want the information so as to be able to form a free labourers' union.

Hon. J. MITCHELL: I have not said a word about a free labourers' union.

The Premier: Your leader has.

Hon. J. MITCHELL: When the Attorney General replies it might be interesting to hear from him what has to take place before a man can become a member of a union, and I want to know how he is fired out. The *Courier*, a labour paper, published at Northam, published this paragraph the other day—

> The following resolutions were approved for inclusion in the agenda paper of the annual women's conference which takes place in October:—That no unionist be allowed to remain affiliated with the A.L.F. who proves disloyal to the labour cause. . . .

We know too at Northam that at least two men were expelled from a union because they voted at a municipal election against a labour candidate. Here now we have preference to unionists and the right of an individual union to say that a man shall not work.

The Attorney General: Where does the Bill say that?

Hon. J. MITCHELL: I am asking the Attorney General to tell me how the unionists can be removed. It is not set out clearly in the Bill and I think I am entitled to point out that there are instances of men having been expelled from unions for having voted against a labour candidate. In the future there is to be preference, and if a man becomes disloyal and votes against a selected candidate, and is removed, the Attorney General will agree with me that that is tyranny.

The Attorney General: Do you not know that before a union can be registered the rules are to be submitted, and no rules are to be allowed that are oppressive?

Hon. J. MITCHELL: What did Mr. Glance say at Norseman the other day? He said that the Labour Government were put in by unionists, and kept in by unionists, to legislate for unionists.

Mr. Munsie: You cannot prove that.

Hon. J. MITCHELL: I saw it in a newspaper. I am quoting from newspapers and they are usually accurate. The Attorney General will agree with me that every man should be entitled to join a union, and that the members already in the union should not have the right to kick him out. Would the Attorney General disqualify all who voted for me at Northam in the last election? I am sure he would not. If a man is to be disqualified for voting against a selected candidate, and thus is prevented from remaining a member of the union, then this provision is dangerous, and I would ask the Attorney General to tell us, when he replies, what powers the unions have in that connection. It is a reasonable thing to ask, and this being an important measure, we should not pass it without having the fullest possible inquiry. There are some clauses in it which we object to strenuously, but there are other clauses on which we require some information. The Attorney General has had a difficult task. It is a difficult matter now to arrange legislation of this nature which will meet with the approval of every section of the community. I hope, however, that with the assistance of members the measure will be made fair to all. Our desire is to encourage enterprising men in the State, and we also want the workers to be satisfied and to see that they are adequately cared for. Therefore, we should see that the meas-

ure is made fair to all and oppressive to none.

Mr. DOOLEY (Geraldton): After about twelve years' experience of the arbitration court in this State and having had a good deal of varied experience in connection with awards and industrial agreements, I have come to the conclusion that it is time for the workers of this State, or in other States, to pause, and think whether it is worth while bothering further about industrial arbitration. In the past they have endeavoured to have their rights recognised by a certain course of action which has on all sides been condemned as barbarous. I refer to the recourse to strikes. Then they came to the conclusion that the only way in which they could get a thorough scientific investigation of the pros and cons of their difficulties was by following the same lines as other individuals, that is, from the legal standpoint, and the question of arbitration came along. After a few years of suffering and agitating they got the principle recognised by legislative enactment and it is just here where industrial unions come in, and their connection with political matters. The leader of the Opposition, when dealing with this question the other night, admitted that in the past unionism had done a great deal of good, and he also admitted that unionism was necessary, but he objected to unions taking political action. I want to ask how has the reform been brought about? It has been only by political agitation, particularly in regard to reforms which required to be placed upon the statute-book. When organisations from an industrial standpoint found it was a matter of impossibility to get any benefit by ordinary industrial means, they naturally looked to the next remedy, and that was, to organise politically. With reference to the charges hurled against us, that we are a body of people who coerce our fellows into accepting political ideas, I want to say that the constitutions of all unions are based upon an absolutely democratic franchise and that the men who join those unions, if they are alive to their interests and are taking a proper interest in the affairs of the unions, cannot possibly have the ideas of the minority forced upon them because the majority always rules. That is the principle which obtains throughout the world to-day. If this Bill is not accepted, so far as the main features are concerned—those features particularly attacked by the leader of the Opposition—I want to say that I for one will not have anything to do with any half-hearted or botched up matter. It will simply be a waste of time and energy to attempt to do anything in connection with arbitration reforms without these salient features. It has been stated that in the past arbitration has been a failure because awards have not been observed or carried out, but when we come to analyse that question we find the position is a great deal exaggerated. An examination of the position reveals the fact that the spirit, if not the letter of the awards, have in the past been violated by the employer. One experience which comes to my mind is that in which the late Commissioner of Railways flagrantly violated a clause in the arbitration award with regard to Sunday time. That gentleman used every possible method to give effect to that violation and after involving the union in an expenditure of hundreds of pounds to bring the matter before the court for an interpretation the court held the Commissioner to be in the wrong. With regard to the tailors' award, we know what happened. They accepted an award which was fair and proper, but when the employers found that the apprentice question was acting detrimentally to their profits they sought to obtain a ruling from the High Court with regard to the constitutionality of the action.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DOOLEY: Before tea I was dealing with a statement that awards in the past had been more often defied than observed, and I was saying that that was owing chiefly to the unsympathetic administration of the present Act. I pointed out that, in numerous instances, these so-called breaches, after being analysed and investigated, were found to be on account of employers violating the

spirit, if not the letter, of the award. Now, one pleasant feature of the Bill is that it is endeavouring to avoid those faults in administration, and is giving a freer and better access to the court than can be had at present. We want to get away as far as we possibly can, from the old law court traditions and class prejudice, for, unless we can do something like that, it is useless for us to try to give satisfaction to the great bulk of the workers. After perusing this measure, I am satisfied that if we can get the principal points passed we will have something like a workable arbitration court, and we will be on the road to having that industrial peace which is so much desired by every citizen of this State, no matter under which political banner he may be working. The criticism of the leader of the Opposition was very weak in my opinion, from the fact that the points which he considered objectionable are the very points that are going to improve and facilitate industrial peace. He approved of trades unions so long as they were confined to industrial action, but he objected to the political aspect of trades unionism. I have already pointed out that no reform can be brought about except by political action, and all organisations, no matter where we find them, take political action when the interests of their members are concerned. The leader of the Opposition went on to enumerate certain strikes that have taken place during the existence of the present Government, and he stated, in the course of his remarks, that these strikes had been connived at by the present administration. I deny that. I feel positive that, so far as the troubles in the railway service were concerned, it was not to the advantage of the Government that those troubles should have occurred. In connection with the dispute at the Midland Junction workshops, considering the disadvantage at which the Government were placed, it is absurd to say that they connived at this trouble. One of the disputes quoted by the leader of the Opposition was that at Geraldton about the close of last year, and the statement of that hon. gentleman that this trouble was connived at by the Government bears a contradiction on the face of it. Members will remember that at that time, owing to the action of the Commissioner of Railways in refusing to pay the district ruling rate, owing to the fact that he was practically acting as a sweater in that district, trouble occurred. I had negotiated with the Minister for Railways to bring about a settlement with the sole object of seeing that the railway employees received the same consideration as any other workers, and, finally, I had to move a motion in this House, which was practically condemnatory of the Government through the Commissioner. So far from the Government conniving at strikes, they took place in spite of the Government. This strike at Geraldton should have taken place twenty months earlier, but owing to delays and shuffling on the part of the railway authorities, the matter was delayed, and the trouble broke out after the present Government assumed office. At this stage, I would like to draw attention to what I consider to be one of the defects of the Bill. The leader of the Opposition referred to the measure as being one which would encourage a multiplicity of unions. I think the Bill has a tendency that way, and I am at one with the leader of the Opposition in endeavouring to minimise that evil as far as I can. In Geraldton at that time, there was a large body of workers belonging to an organisation of general workers. According to the present Act they were not sufficiently numerous in their own particular trades and callings to form separate unions, and they combined, as the workers always have done, for the protection of their economic welfare. But the Arbitration Court was shut to them; they had no remedy, and they could take no action other than that they resorted to. They first of all negotiated and endeavoured to bring about a discussion with the then Minister for Railways, but, failing to get any redress, they decided to strike. The result of that strike was that the whole of the food supplies of Geraldton were in danger of being hung up for an indefinite period, and, had the organisation been as complete as it might have been, the Commissioner of Railways would have been held responsible for

starving that community. That is where I consider the Bill is weak. We all know the difficulties of the outlying districts—the isolated places in the North-West and in the interior where there are small communities of workers in divers industries. There are not enough of them to form separate unions, and they combine as a composite union. There can be no objection to them doing that; in fact, it is just as good for them to combine in that way as to combine in sections. But the Arbitration Court is not open to them, and a very great hardship is inflicted on the community in those parts; whereas, if the Arbitration Court were open to them and they could register under the Arbitration Act, disputes would be settled in a proper and reasonable way before that tribunal. It is my intention to move, when the Bill reaches the Committee stage, in the direction of obviating unnecessary multiplicity of small unions by making provision to meet the cases I have spoken of, so as to get these industrial troubles settled in a proper and civilised way. Another statement has been made that we should make the court free to all workers, whether they are members of unions or not. I would like to ask the House to analyse that phase of the question. How is it possible to fix the responsibility, if we give the right to an individual to say to his employers, "You are not paying me a proper wage; I will go to the Arbitration Court and get an award." He goes to the Arbitration Court and secures an award, but in what way is the responsibility to be placed on him to keep that award. After putting the country to endless trouble and expense in adjudicating on his case, he suddenly takes it into his head to leave the district, and the position is then no better than if no action had been taken at all, whereas when we have an organisation that organisation has to submit its rules in the first place to the registrar to see that no difficulties are placed in the way of those who desire to join the union. The registrar has power to see that there is nothing arbitrary or unjust in the union's rules that would prevent people joining the union, and the result is that a union is practically a free institution, while the responsibility of carrying out and upholding any award that may be given is placed upon a properly constituted body. The member for Northam had also said that we should do the same with regard to an industry or factory. For instance, we may have a factory on one side of the street in which individuals are employed, what he chooses to term free workers. In the first place the union, representing the industry, has gone to the court and obtained an award, which of course the union has to bear the responsibility of and has to uphold and carry out, but if these gentlemen who act as free labourers or free workers go to the court and obtain a similar award, being individually free and independent, there is no way in which the award can be given effect to. Another matter which seems to be a bone of contention is, I consider, a very simple affair, and one that, so far as my personal experience and observations are concerned, presents no difficulties whatsoever. That is the question of grading. The leader of the Opposition has said it is not possible for anyone but the employer to grade his workers. So far as the grading of workers is concerned it is not the intention of this Bill, it is not expressed in the Bill that the workers are to be graded. The grading applies to the work which is being performed, and I contend that if the president of the Arbitration Court can grade and discriminate and fix a minimum or average wage in regard to workers in various industries, he is eminently capable of grading workers for the work in any particular industry. For instance, if he can fix a wage for a bricklayer, or the wage for a clerk, or the wage for a domestic servant, or the wage for reporters, or the wages in any of the various divers industries we choose to mention, I am quite sure, if he has that power and can satisfactorily perform that function, he is quite capable of grading the workers for the work in any specified industry, particularly when we remember that the Bill provides for expert assessors. Provision, which is not in the existing Act, is made for the president of the court getting the assistance of experts in any particular industry to sit

with him and assist him in his work. It has been said that strikes have cost millions of money, and inflicted untold hardship on the community. Anyone who has had any experience or who has taken any notice of history applying to industrial matters, knows that this is an absolute fact, and it is just that point that everyone in the community and the members of this House and of another place should take into consideration, because there are only two courses, the question of out-and-out barbaric warfare, or the question of submitting a case to an impartial tribunal and having the matter settled by the process of sweet reason. Should we block the workers, should we deprive them of that opportunity, should we thwart or continue to thwart them as in the past, then the responsibility for any industrial unrest or great economic waste that may take place in consequence rests with our honourable friends on the other side of the House, should they here or in another place block giving effect to the proposals contained in the Bill. But the vital and cardinal objection, the great wrong we are told we are attempting to introduce in this Bill or to give legislative enactment to, is the question of preference to unionists. We have endeavoured to show, and it has been shown pretty clearly, that the whole question of industrial peace rests in the first place with the Arbitration Court, and in the second place on having the decisions of that Arbitration Court given proper effect to. When we find that such is the case, then we have to go further and see that we place the responsibility on every individual who has to work for his living, and who is a possible factor in disturbing the industrial peace, and we must see that he puts his case through the union responsible to the court. It is not an innovation. One would imagine from our friends' speeches that it was a new idea, that it did not exist in other phases of our social life. But what are the facts? We find that nearly every organisation but organisations of wage-earners has this preference, and it is legally recognised in most cases. For instance, take the honourable profession to which the Attorney General belongs; take the lawyers and barristers. We find that these men belong to an association or a board. They have to register with the board and be admitted to the court, and unless they can show their credentials to the court they are deprived of their practice. Practically, they belong to a union of lawyers, otherwise they cannot be recognised; in fact, they are deprived of earning their living at the profession to which they belong. I cannot see that it works to the detriment of the community; I think it is a very good thing. And the same thing applies to the medical profession, also to the pharmaceutical society. Members of these professions cannot practise unless they are registered and legally endorsed by the constitution or laws of the State in which they are practising. The same thing applies to the dental board, and, though not to the same extent, to the institute of civil engineers, or the institute of architects, and to the veterinary surgeons. Still, even there we legally recognise the principle; we have passed Acts of Parliament which say that we will not recognise any persons practising unless they have certain qualifications and unless their practice is legally endorsed. In effect, that is all the workers are asking for. They are asking that, when they have a dispute, or when they differ with regard to remuneration and the conditions which govern their employment, when they are prepared to go to the court and so long as they have free and proper access to go to the court, they shall be legally recognised.

Mr. Turvey: Employers have the same right.

Mr. DOOLEY: Of course they have. I know I would be considered an extremist were I to urge the compulsory registration of all workers and employers in any circumstances; but still I think we must proceed along these lines. It has to come, whether it comes to-day or ten years hence; I am quite satisfied that the settlement of industrial disputes by the courts of arbitration has to come. That being so, the natural consequence and

corollary is the compulsory registration of all workers. So I consider that preference to unionists is merely a bogey, nothing to be afraid of at all. Despite what the leader of the Opposition has said, we find that in the vast majority of cases, when an award has been given under conditions where the workers have not had the fullest and proper access to the court, where they have had very tardy acknowldgment of their claims by prejudiced persons in the way of Supreme Court judges—I say this without the slightest disrespect to those who occupy positions on our Bench, but in the past they have had no experience of collective bargaining or of corporate bodies coming before them to adjudicate on matters that affect the individual members of these organisations; and consequently as a lawyer is naturally conservative, it has been difficult for him to get away from his class prejudices; he has entirely misunderstood the economic questions and forces that are at work in our midst. I have known judges in this State to argue on these lines, that where a concern is not a paying concern from a business point of view the workers in that concern should be prepared to accept an award that will provide for interest and sinking fund and profits for the employer. There is a limited market for produce, and there are ventures that employers take on in which they have to recognise the inevitable, the same as other persons have to do, if there is bad management or bad luck. Take gold-mining. A mining company exploits a certain area of country where there is little gold, and because they do not happen to get sufficient gold to pay for the capital invested, it is not a fair thing that they should make the worker pay the piper. If the worker were not a factor in the matter at all they would have to lose their capital.

Mr. George: You would not force them to go on at a loss?

Mr. DOOLEY: Certainly not. We have never asked an employer to attempt to carry on an industry one moment after it ceased to pay him to do so. But we do contend that we are the factors in producing the wealth and, knowing well that he can get no results at all except by labour, we contend that we should get a wage on which we can live in reasonable comfort in accordance with our surroundings and conditions. We have never attempted to interfere with capital. I am just mentioning these facts because I know pretty well that judges have in the past taken up that attitude. There was one judge in this country of whom it has been said—and I got this from the best of authorities—that His Honour was prepared to throw up his commission rather than accept the presidency of the arbitration court. He was an honest and honourable man, and he said "It is against my legal training, against my early prejudices, to think that any body of men can go and argue a case in court and that decisions can be given by a court as to what the rates of wages and conditions of work shall be." It is reported that rather than take on that position he threatened to throw up his commission, and I can say that I place every reliance on the information given to me in regard to that incident. Another matter touched upon is the question of what would happen in Government departments when an award were given if Parliament refused to vote the necessary appropriation from consolidated revenue to meet any extra wages granted by the court. The quickest and easiest way of answering that question is to say that these persons would be in exactly the same position as would the Government servants in regard to their wages. Unless, indeed, the Legislature had gone insane with party prejudices it is absurd to think that it would refuse to vote an appropriation to the whole of the public service. I cannot understand why we should take that point into consideration for one moment; it is unworthy of discussion or debate, because there is nothing in it. With regard to the liberty of the subject: this is a fine old Liberal League, Tory expression which we hear day in and day out. The liberty of the subject simply means that there is not an individual in any democratic State who has any liberty at all except that liberty which gives the freest and fullest expres-

sion of liberty to the members of the whole community. I find that, wherever I turn, my liberty, my freedom to do as I please, is restricted at every point. I go to the health laws, I turn to the Criminal Code, I look round from every point of view, and I find that I have no liberty at all if that liberty clashes with the liberties or the rights and privileges of the whole community. That is all the Bill is asking for; it is asking to make one step forward in civilisation. We want to get away as far as we can from the old methods of strikes. I have had experience of strikes, and I do not want any more. No one has a greater detestation of strikes than have I. I know the feeling of the workers. Education is spreading and they are beginning to realise that every man should stand equal in the eyes of the law; that in a democratic community everyone has the fullest expression of liberty and advancement of his interests so long as this does not interfere with the privileges of anybody else; and to realise also that our rights are in the hands of the law courts of the State. The leader of the Opposition said we did not require to be slaves of courts. I say the courts are the guardians of our liberties and rights, and we are simply asking that, instead of fighting under the old methods, we shall be allowed to take a step forward and place the workers on the same level as are all other classes of the community. Let us be legally recognised and have a fair opportunity of going before the court; do not interfere with us in any way, and you will find that the workers of the State are just as law-abiding as anybody else, and as willing to have their cases submitted to a properly constituted tribunal; but let that tribunal be properly constituted, constituted strictly in accordance with the democratic wishes of the people. I am at one with the leader of the Opposition in the belief that there is a tendency under the Bill to have a multiplicity of unions. The Bill does favour a multiplicity of unions, and it would be to our advantage if we could make these organisations more comprehensive. They have to be legally recognised in individual sections; why not make them more comprehensive so as to take in as many as we can in accordance with practical ideas? It will all tend to the smooth working of the measure.

Mr. FOLEY (Mount Leonora) : Like other members I wish to comment upon the clauses of the Bill and show my approval of the measure generally. Never at any time have I been wedded to arbitration as obtaining in Western Australia, but I believe that in this measure we are going to give, not to the workers of the State, but to the community at large, a Bill with but one object, namely, settlement of industrial disputes. Arbitration, as we know it, is not a new thing. In a few years' time arbitration will be a thing of the past; but, while the Constitution of the State provides for an arbitration court I think it is our duty to endeavour to give to the State the best arbitration legislation possible. I have vivid recollections of a measure being read a second time last year, when the present members of the Opposition declared they were not going to use any strenuous efforts to oppose that measure. But we found that the measure was opposed, and so strenuously that after the Legislature had finished with it the Government, who had in their minds the interests of the State generally, refused to countenance it as an arbitration measure fit for inclusion in the statute book. In the Bill, wherever the word "dispute" occurs, the dispute is understood to exist between a union of workers and a union of employers. I do not agree with all the clauses in the Bill; however, some of those with which I am not in accord are of but small moment. In regard to the penal clauses, I think it is too harsh to penalise a man under the Bill and then, after he has paid the penalty, penalise him again. I expect that when the Bill goes into Committee members on both sides of the House will see the necessity of amending this; in fact, I do not think the Attorney General himself will offer any great opposition to such an amendment. The penal clauses are too harsh on the men. We are all willing that if a man commits a breach

of an award any rights or privileges accruing to him under that award should be taken from him; but I will never be one to support a clause which will take away from a man his tools of trade, or that part of his household furniture which is absolutely necessary to him. There are not many clauses such as these in the Bill. One clause, however, deals with breaches of awards. The Bill distinctly states that a union shall be responsible in certain conditions, and also that the union shall be responsible for its members. Not only does this apply to unions of workers, but it applies to unions of employers as well, and in the same degree. We also find that a case may arise when many men are engaged in a dispute and the minority of a union desire to influence the majority of that union in breaking an award. Suppose one of the executive officers of that union is sent to do his best to settle the dispute in a constitutional manner. He may make a mistake, and by the fact of his making that mistake he may commit a technical breach of the award, in consequence of which the rights and privileges of his union shall be taken away from him. I believe the Attorney General will see the wisdom of making this clearer, so that a union of employees will not be taxed to that extent. I want to see the penal clauses applied to unregistered unions and registered unions alike. Much has been said about preference to unionists. In many cases where unionists and unions have been concerned in this State, especially in the past, the unions in almost every case have had to pay the piper, and the unregistered bodies have been the ones who have been instrumental in causing the strife. These are some of the clauses which I think need amending. I listened to the leader of the Opposition when he spoke. He said he did not think that any judge of a Supreme Court had the ability to bring in a grading system when delivering an award. He also said it was his intention to vote that only a Supreme Court judge should be president of the Arbitration Court. Now of all the inconsistency which that gentleman has displayed in this House, he has shown it to the greatest extent on this occasion. If he was opposing a Supreme Court judge being president of the court, he could use no better argument than the one he used against the grading system proposed by the Bill. If two unions have a disagreement, and they take it to the Arbitration Court under the provisions of this Bill, the advocates of the workers and the employers put their case to the court. The court is composed of representatives of the employers and employees with an impartial gentleman in the chair as president. We find that in Victoria, where the wage board system applies, once a disagreement exists the men immediately concerned in the disagreement go to their employers and try to settle it. If they can settle it without going to the Arbitration Court, well and good, and I believe there is no unionist or worker in Western Australia who would not think it advisable, if a disagreement exists and there is a possibility of settling it without going to the Arbitration Court, that he should submit the case to the representatives of the employers and employees. But this court is being formed to settle disagreements which have gone further—disagreements which the men themselves cannot settle. If it is desired to compare the wage board system with a court of arbitration, such as this Bill provides, I personally have yet to learn that any comparison can be made between the two. In the first instance, before a body of men or any men can take their case to the Arbitration Court there must be a union in existence on either side. That union has to comply with certain conditions, not when they come to the court, but when they are registering their rules, as provided for under the Friendly Societies Act. The registrar, if he finds, as has been done in the past, in the suggested rules any that he considers inimical to the best interests of the Western Australian people, he is the first to say that that rule shall be deleted. If the registrar representing the Government has the right to say that nothing shall go into the rules which he does not approve of, surely the interests of employers and em-

ployees alike are safeguarded. If the Government through their registrar recognise unions and unionism to this extent, that before a body of men can come to the court they must be in a union of employers or employees, it is only right to give preference on either side to those men who have shown their wisdom in endeavouring to settle their disagreements constitutionally. The member for Northam has spoken to the effect that he believes unions have done a great amount of good, and he believes in unionism to a certain extent. I have never known a gentleman who has not believed in unionism to a certain extent. The difference is we believe in a unionism far ahead of the unionism he believes in. We believe in a unionism to the full extent; we believe in a unionism that is going to give to the unionists better conditions. If a man is selling his labour he can sell in a union by collective bargaining instead of by bargaining with an employer who in the past, and until very recently has not been too generous, speaking generally of employers. The same member spoke of unions existing in goldfields districts, in the timber districts, and in various primary industries, but the very same arguments he is using now against unions being formed amongst the rural workers, were used and fought out when I was very young, against unions existing in the mining industry. The mining industry in this State is at present conducted upon the most amicable system of any industry in the State, and it is due to the fact not altogether that the employers believed in the existence of the workers' unions up to the stage which they have reached, but that the unions and employees in the mining industry were strong enough to show that they had the whole of the State's interests at heart, and acted up to it. If every unionist lived up to the true spirit of unionism there would be no need for the State to legislate for anything else but unionism. The profession that the member for Northam belonged to before he was a member of the House—I believe the banking profession—has a rule which applies in this State, as it does throughout Australia, that once a man joins its service he signs away the very liberty we hear that member speaking about in this House on every possible occasion. He signs a regulation, and I have a copy of it in my locker in the corridor, stating that any man who joins the service of the Associated Banks shall not belong to a union. When we find a gentleman who has been brought up in that groove, and whose environment has been of that character during the whole course of his life, we can hardly expect anything else. There are members of this House who have lived beyond that, who have lived in the very freedom that the banking institutions wish to keep such as the hon. member from enjoying. We believe there are certain responsibilities attached to unionism, and the unions throughout Western Australia by their representatives in this House are trying to put on the statute-book of this State legislation so that they can say we have been consistent in our advocacy of a good arbitration measure. The only difference is this, that the member for Northam believes in these unions up to a certain extent, but when they hit the very industry he happens to be engaged in at present he is against them. On every occasion when a member who is in the farming industry gets up to speak he says he believes in a fair rate of wages being paid. No doubt he does. This House and the Arbitration Court wish that a fair rate of wages shall be paid when an award is being given, but these gentlemen's opinions and the opinions of members on the Government side as to what constitutes a fair rate of wages, are widely different. I know personally there are members on the other side of the House who have men working on their farms and who pay them a really good rate of wages. They find it pays well to give really good wages on their farms, and they get good results from employing good men. There is no clause in the Bill that any member of the Opposition can show me which says that an employer has to employ men who are not competent to fulfil the duties laid down in the Bill. If such were the case I would not be found championing the Bill. A minimum rate of wage is provided for; that rate is to be paid to men who will do the amount of work which

an average man will do. We also find that the court provided for under the Bill is not the same as that provided for under the existing law. This court has the power to grade an industry from bottom to top. It has that opportunity and right. When members of the Opposition say that a Supreme Court judge is the only gentleman fit to sit in a court of arbitration I agree with them to this extent, that if it is good enough for a Supreme Court judge to sit and regulate the minimum rate of wage, I fail to see why he should not adjudicate on what should be a fair rate of wages in every grade of the industry. He has not only his own opinions to guide him, but he has the opinions of experts for which this Bill provides, and the right to call in experts to assist him in every way possible. Not only that, but after the award is given he has the right to call in experts to give opinions and assistance when he is assessing anything. After all the representatives of the employers and employees on the bench argue the case out and agree on everything possible, and it is only on the points of difference between these gentlemen that the judge gives an award, and if there is any difference of opinion between the representatives it is always the opinion of the president of the court, and it will be the same under this measure, but with this difference that he will be able to call in expert assistance under better conditions, not only to himself but under conditions that will give a spirit of contentment to the people in the work covered by the awards. Some of the speakers on the Opposition stated that they thought certain clauses should be deleted, and that others should be inserted in the Bill. The member for Northam even went so far as to say that he believed a married man should get more than a single man. I wish to differ from him on that point because I believe at the present time there are many single men in this and other States of the Commonwealth making as good use of their money by assisting the family, in many cases an aged father and mother, and sometimes brothers and sisters who are not in a position to help themselves, to as great an extent as a married man who keeps his home in good order. Speaking of the wages boards as they affect arbitration one only need look at the Victorian papers lately to find that under the wages board system there was a strike. Had that dispute existed on the goldfields in this State even under the present Act, bad and all as it is, that dispute could have been settled within 24 hours. It was three weeks ago since I got the papers with the first announcement that a dispute existed among the miners at Daylesford and yet that dispute under the wages board system is not yet settled, and when it is settled it will only be so to the point that the wages board has power to determine it, and then there will be just as many points of difference between the miners and employers in the Daylesford district in Victoria as there were when they started. I think that the provision that the Attorney General has made for the appointment of a president of this court is a good one. I do not think that any member can cavil at it because the Bill provides that there shall be a Supreme Court judge, or a man qualified to be a Supreme Court judge, sitting as the president. There are gentlemen in this State and I am sure that the preference to unionists or close corporation of the legal fraternity in this State, will not allow any gentleman to be appointed other than a man that that close corporation thinks is fitted to fill the position of a judge. So I think that that can be left in the Bill as it is and the wishes of both sides of the House will be satisfied. We will leave the wages board system now and go on to what my friends regard as a great wrong in the measure—preference to unionists. I have worked in mines where unionists have had preference. I have also worked in mines where once you went on to the brace you were asked if you were a unionist, and you would be given until the first pay day to join the union, and providing you did not join then you were not allowed to work in that mine.

Mr. George: Is that the bosses' doing.

Mr. FOLEY: If it was not the bosses' doing, the bosses agreed to it. I am

against compulsory unionism in every way. I believe men who voluntarily join unions are the better unionists and are better men, still, at the same time, we all know that certain good has accrued to the workers generally through unionism and that good has accrued to the general body of workers. Through banding themselves together for their mutual help they assist not only those who are unionists, but those who are also non-unionists, and if they benefit them, surely those men should show that much gratitude by becoming unionists themselves. Under the present Bill we find that not only may anyone join a union, or seek to join a union with all the certainty of becoming a member of it, but that some of the free labourers can join any union under this measure. As long as these men wish to join a union, there is no bar against them doing so. After all, the very freedom that the hon. member for Northam spoke so strongly about, that freedom that the workers in this State and in Australia generally have, can be laid at the door of unionism and at the door of unionism alone. All I wish is that the unions of workers in this State were as strong as the unions of employers and I believe that then we would have every man who works for his living in a union in this State.

Mr. Taylor: Are you listening Murray?

Mr. FOLEY: I desire to compliment the Attorney General on bringing in this Bill and giving the opportunity to State servants to avail themselves of the Arbitration Court, and I only trust this will be the forerunner of every employee in the State also availing himself of the Arbitration court so long as that court exists. We find that wherever freedom has been obtained, it has been obtained through unionism. We find in the past that several of the awards of the court have been based not only on the capacity of each man, but on the value of that man's services to the employer. The member for Mount Margaret will bear me out when I refer to an award given by the arbitration court. There was one mine that was paying dividends and the mine next to it was also paying dividends, while there was another mine on the north end on another line of reef not paying dividends, and because that mine was not paying dividends, the present arbitration court said that though the men were working in that non-paying mine, and worked as hard as others in a paying mine, they should be compelled to work for a lower rate of pay.

Mr. A. A. Wilson: Was that award made by the present members of the court?

Mr. FOLEY: By the court as at present constituted. I believe that the time will come when the results of a man's labour, be they in what direction they will, will be based upon something else than from the point of view of profit, and I believe that the arbitration laws will not do good until the people are educated to the fact that the rates of wages for their labour should be based on something else than profit. I trust that the opposition which was shown to the measure that the Government brought down last year will not be displayed again on the present occasion. There is an old saying that still waters run deep and when I saw my friend the leader of the Opposition rise, and heard him in his opening remarks make almost the same statement as he did on the last occasion, I was led to the conclusion that this measure is going to have a stormy passage. I want to state clearly, however, that it is my intention, and I suppose my opinion does not matter much, but I wish to declare it to be my intention to oppose this Bill being put upon the statute book unless it contains conditions which will be for the betterment of the workers of the State and the people generally, and that every man, irrespective of what industry he is engaged in, shall have equal right to obtain the services of the court. I trust also that all the clauses dealing with the opportunities of getting to that court will be allowed to remain as they are. If that is done, and the court sits, and under the present measure gives an award to the extent that it is possible for the court to do, I think it will engender a feeling of gratitude, towards this

Government, and will promote a feeling of contentment throughout the length and breadth of the State, and after all, if this or any other Parliament can bring about that spirit of contentment the time it will take to frame this law will have been made good use of.

Mr. MULLANY (Menzies): In rising to support the second reading of this Bill, I do not propose to deal in detail with any of the clauses, but I consider that the measure is of such great importance that I do not feel justified in giving a silent vote upon it. I am pleased to have this opportunity of having something to say upon the effect of arbitration on industrial life in this State. Since the Arbitration Act was placed upon the statute book of Western Australia, some 10 years ago, I believe that I am correct in stating that arbitration, or the present Act, has never been wholly satisfactory either to employers or employees in this State, and, further, I believe I am correct in stating that the party occupying the Government benches, on several occasions while in opposition, endeavoured to have amendments made to the existing Act, but they were always thwarted in their desire to improve the Act according to their wishes. Immediately the present Government took office they endeavoured to have certain amendments made, but again they were thwarted by the Legislative Council. I desire to appeal to hon. members on both sides now to give this measure fair and unbiassed criticism and also generous consideration. I do not think this is a party measure. I know that the employers are inclined to grumble very much at the present Act. I also know that the employers are anything but satisfied at the previous Administrations having declined to make any amendments to try and bring the employers and employees closer together in the settlement of their differences, and I think we are justified, therefore, in appealing to them to give this measure better consideration, in the hope of evolving something more workable and practical than we have previously had in Western Australia. It has been said, I think by the member for Leonora, that arbitration will soon be a thing of the past. This may or may not be a fact, but even if it be so, I claim that at present arbitration is the only practicable way of settling some of the industrial unrest that undoubtedly does exist. There is no doubt that a certain amount of industrial unrest does prevail, not only in Western Australia, not only in Australia, but throughout the civilised world, and I think we have not very far to seek for the cause of some of it. The workers of the world are undoubtedly becoming more educated; they are beginning to understand that they have not been given a fair portion of the production for which they have been responsible, and they are now seeking to devise means by which they will get their proper share. Arbitration appears to me, at any rate, to be at present the only practical means of bringing the two parties together. The Attorney General in his able speech in introducing the Bill last week, dealt with the industrial matters from the early days of English history, and traced the development right from the days of slavery to the present time. Undoubtedly we have passed through many stages since those days, and I trust we have finished with the brutal methods of the strike. I believe there are some who are still inclined to believe in the strike, but any thinking man who would deliberately advocate striking in these days cannot have given much consideration to the subject. I believe that we have reached the stage of civilisation when we can do without strikes, but until some more satisfactory method of dealing with industrial trouble is evolved we as a party, and I believe I can speak for the Government, are pledged to the principles of arbitration. I again appeal to hon. members on both sides of the House, and in both Chambers, to give this measure fair and unbiassed consideration. They will, I am sure, give the present Ministry credit for having gone into this matter thoroughly, because the Government realise that they will be judged largely on this Arbitration Bill. There has been a good deal of industrial unrest in this State of recent years. In fact,

the leader of the Opposition referred to a number of strikes that have occurred since the present Government came into power. I claim that this Bill will be an effective means of doing away with those industrial troubles, or if they do not do away with the troubles they will lead to a more speedy settlement of them, and obviate the disastrous and costly methods of the strike. I have no desire to speak at any greater length, but I again commend this measure to members on both sides and ask them to make as workable an Act as the Government have endeavoured to evolve in the Bill.

Question put and passed.

Bill read a second time.

In committee.

Mr. Holman in the chair ; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Repeal schedule, proviso :

Hon. J. MITCHELL : Would the Attorney General explain the effect of this clause ?

The Attorney General : It means that we recognise as legal everything done under the old Act.

Hon. J. MITCHELL : Would not this clause have an effect upon the awards of the past ? For instance, under the existing awards contracts had been entered into by various persons who probably believed that the conditions of the award would apply over the term of the contracts.

The ATTORNEY GENERAL : This clause was very necessary, in order to legalise and keep standing everything that was already started or done. It set forth that all officers, appointments, awards, orders, acts of authority, etcetera, that had originated under the Acts to be repealed by this measure should be as good and as valid as if they had originated under this measure. Clause after clause was being re-enacted from the old Act, nevertheless the old Act was being repealed, and it might be imagined that by so doing everything done under and dependent for validity on the old Act was being entirely annulled or swept out of existence ; but this clause said that such things were just as valid as if the clauses in this Bill had been in force when those things had been originated. Thus was preserved the validity of everything done under the old Acts.

Hon. J. MITCHELL : Did not the clause mean that those things which were done were only respected so far as they were according to the corresponding provision of this measure ? Would not the new clauses in the Bill, those not re-enacted from existing Statutes in this State, also apply to things done in the past ?

The ATTORNEY GENERAL : Everything done under the old Act remained as valid as if it were done under the new measure.

Hon. J. MITCHELL : Would awards under the old Act be respected ? It would appear that only those under provisions which corresponded to provisions in the new measure would be respected.

The ATTORNEY GENERAL : Anything done under the repealed Act would stand.

Hon. J. Mitchell : The words "corresponding sections" make a limitation.

The ATTORNEY GENERAL : No. The paragraph meant that anything which originated in the old Act would continue to be valid as if it originated under the corresponding sections of the new measure.

Mr. GEORGE : Under paragraph (c) would the cases being heard by the court at the time the Bill became law continue to be tried as though they were started under the new measure ?

The Attorney General : Yes.

Mr. MONGER moved—

That progess be reported.

Motion put and a division taken with the following result :—

Ayes	12
Noes	28
Majority	16

AYES.

Mr. Allen	Mr. Moore
Mr. Broun	Mr. A. E. Piesse
Mr. George	Mr. A. N. Piesse
Mr. Male	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Monger	Mr. Layman (*Teller*).

NOES.

Mr. Angwin	Mr. McDonald
Mr. Bolton	Mr. Mullany
Mr. Carpenter	Mr. Munsie
Mr. Collier	Mr. O'Loghlen
Mr. Dooley	Mr. Scaddan
Mr. Foley	Mr. B. J. Stubbs
Mr. Gardiner	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Green	Mr. Thomas
Mr. Hudson	Mr. Turvey
Mr. Johnson	Mr. Underwood
Mr. Johnston	Mr. Walker
Mr. Lander	Mr. A. A. Wilson
Mr. Lewis	Mr. Heitmann (*Teller*).

Motion thus negatived.

Mr. MONGER: The motion to report progress was moved for the simple reason that according to the Notice Paper the Premier intended to speak generally on the Bill. Many members on the Opposition side had also intended to discuss the matter generally and it was his wish to point out that it was almost out of recollection, so far as Western Australian political life was concerned, to find the Premier moving the adjournment of the debate——

The CHAIRMAN: The question before the Committee was whether Clause 2 should stand as printed or not.

Mr. MONGER: It was his desire to call attention to the attitude taken by the Premier.

The CHAIRMAN: The Premier's attitude had nothing to do with the clause.

Mr. MONGER: The tactics of the Premier——

The CHAIRMAN: Order! The hon. member was out of order in discussing what the Premier had done.

Mr. MONGER: Then he would speak against every clause in the Bill.

The CHAIRMAN: The hon. member would have to confine his remarks to Clause 2.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Interpretation:

Mr. GEORGE: It was his desire to draw attention to an innovation in this clause. In the paragraph relating to "group of industries," it was found it could only be explained by reference to Clause 60, and in Clause 60 it was intended, apparently, to group all allied trades, as, for example, bricklaying, masonry, carpentry, and painting, which were branches of the building trade. Was it intended under the Bill that should there be a dispute in one section, say among the carpenters, that all the other allied trades should be affected? He was willing to admit that, for the sake of convenience in connection with arbitration matters, it was desirable that these trades should be grouped, still that grouping might cause considerable difficulty.

The Attorney General: This is not the place to discuss the matter. This is merely the definition. When we come to Clause 60 we will discuss it.

Mr. GEORGE: The group of industries would require to be carefully gone into and the Attorney General, if he was desirous of making the Bill a workable one, ought to give an explanation at that stage. An instance might be given of what happened a few years ago with regard to the Railway Department.

Mr. Dooley: They have altered their opinion since then.

The ATTORNEY GENERAL: On a point of order; was the hon. member in order in discussing the principles which were dealt with in a later clause? The only question now could be whether this definition was to remain as it stood or whether it was to be altered or deleted.

The CHAIRMAN: The hon. member in discussing the interpretation was in order in referring to Clause 60, which was mentioned in it.

The ATTORNEY GENERAL: That was part of the definition and no more. The hon. member was discussing the principles of the Bill when he referred to Clause 60.

The CHAIRMAN: The hon. member had asked the Attorney General to explain what "group of industries" would

exactly mean, and he was justified in asking for that information.

The ATTORNEY GENERAL: The hon. member was not justified in debating the principles of the Bill.

The CHAIRMAN: If the hon. member debated anything that was not in order he would be stopped.

Mr. GEORGE: Clause 60, which was referred to in the paragraph in Clause 4 gave an example of what were grouped industries. Some years ago there had been trouble in the railway service on the same point. The Attorney General would say that this question could be debated on Clause 60; but, as a matter of fact, once we had passed this interpretation, with its reference to Clause 60, we would have admitted the question, and this he (Mr. George) was not prepared to do. Considerable difficulty would arise out of the linking of these different industries together.

Hon. FRANK WILSON: It would be well to report progress in order to take time to consider this point. We had had merely a general explanation of the introduction of the Bill, and a very short second-reading debate.

The Attorney General: Let us go through this first part of the Bill.

Hon. FRANK WILSON: The first part was the most important part.

The Attorney General: Well, get through this one Clause.

Hon. FRANK WILSON: The interpretation clause was of far too contentious a nature to be lightly passed over.

The ATTORNEY GENERAL: We had not been stuck as yet; why, then, should we not continue at least until we were stuck. There was nothing in the difinition of an industrial group calling for discussion. It was merely an interpretation of a phrase subsequently used in the Bill. The principle of the Bill did not lie in this clause, which indeed was no more than the dictionary of the measure.

Hon. FRANK WILSON: Interpretation clauses had always been taken seriously, more particularly when they were of the length of this particular clause. At a later stage in the clause we would arrive at the interpretation of "industrial matters" Were we to pass this *in toto*? He agreed with the member for Murray-Wellington that this was a fit and opportune time to discuss the effect of the interpretation. It had always been the custom to discuss the effect of interpretation clauses. This being so important a measure we ought to have had time to table amendments. He had never known a measure of any moment to be rushed into Committee as this had been. It would be impossible to get through the clause to-night, and therefore the Premier ought to agree to report progress. Clause 60, to which the interpretation referred, provided that an industrial dispute might relate to any industry related to any other industry which had referred the dispute for settlement. This, too, notwithstanding that perhaps the two industries were not branches of the same trade. We ought not provide an unlimited grouping of industries. People who were satisfied to keep out of disputes ought not to be dragged into them. It was not sufficient reason that because a trade was indirectly affected by a dispute that that trade should be drawn into the dispute. Would the Attorney General tell the Committee whether this clause was an exact copy of a section in the New Zealand Act? It was his intention to move that the definition of "group of industries" should be struck out, because the Committee could not get an explanation from the Attorney General and because it was undesirable for one industry having a dispute to drag any other industry into it.

Mr. B. J. Stubbs: It will have the opposite effect.

Hon. FRANK WILSON: Perhaps the hon. gentleman would show how it would have an opposite effect. The desire of hon. members was that the Bill should be a means of preserving industrial peace, and not of creating trouble. The best way to create trouble was to drag out somebody who was innocent, who knew nothing about the matter in dispute, and who did not want to be interfered with. The grouping of industries would have that effect. If, for instance, that provision were applied to the timber industry, how far would the ramifications

of that industry effect the other industries in the State? It must affect the carpenters, the engineers, the wheelwrights, the millwrights, the painters, the saw-doctors and repairers, the lumpers, the storekeepers—in fact, every industry in the State would be grouped under the timber industry. If that were so, the Bill was going too far, and it would be advisable to strike out not only the interpretation of "group of industries" but also Clause 16, when it was reached. It was all very well to say that we must have confidence in the Arbitration Court and that therefore we might hand everything over to that tribunal, but even members on the Government side did not wish to go as far as that. Some restriction should be placed on the powers of the court. The other day, the president of the Arbitration Court had said that he should be given power in this Bill to fix the retail price of commodities: everyone knew that that would be impossible, and it was just as impossible to group industries in the way proposed in this measure without doing injury to the general public. He moved an amendment—

That the following definition be struck out: "Group of industries" means any number of related industries within the meaning of Section 60.

Mr. GEORGE: When members asked for information, that information should be forthcoming. The Bill would be of no use to the country unless it had the justification of a free and full discussion by both sides of the House. A more contemptuous way of treating the leader of the Opposition than that adopted by the Attorney General could not be found.

The CHAIRMAN: The hon. member must discuss the amendment before the Committee.

Mr. GEORGE: The leader of the Opposition had asked for information from the Attorney General and had been refused. There could be no surer way of creating industrial warfare, or at any rate industrial discomfort, than by not localising the whole of the dispute to the particular trade or calling in which it arose. The provision in the Bill meant that if one section of a trade got into difficulties the whole of the industries in connection with that trade would be dislocated and in trouble. In Western Australia, where every large business employed almost every class of tradesmen and unskilled labour, immediately a dispute arose in one particular trade the dispute would extend throughout every trade in the State, and this must result in trouble not only to the employers but also to the employees. In the timber trade, for instance, as carried on by the big timber combines, and as it would be carried on by the Government if they proceeded with their policy of establishing State saw mills, almost every calling in the State was represented except politicians, and they were represented by deputy. There was every class of engineering tradesmen, every class of carpenter, and all the classes of men engaged in actual timber getting; then there were the storemen, the butchers—in fact, almost every trade and calling in the State, and if there was any little bit of trouble in any one of those callings that trouble would extend throughout the whole of the State. There had been no proper explanation of the provisions of the Bill. If the measure in its present form were passed, there would be no need for any unions because all the trades and all workers would be bound together by these provisions in regard to grouping. This grouping would create no end of trouble, not only for employees but for the court. Mr. Justice Burnside had complained dozens of times that the legislators had not made their meaning clear, and that legislation had appeared to be the immature efforts of men desiring to get an important piece of work done. The Minister had not told us anything about the Bill, except a lot of flowery language which he might as well have attached to the dying of an old tom cat.

The ATTORNEY GENERAL: Whether the previous speaker was in earnest or whether he was merely obstructing he did not know. All this cavilling over a definition was unnecessary. It merely stated that a group of industries should be such as was contemplated under Clause 60, and what was contem-

plated there was no more than industries related in a certain way. Industries should be deemed to be related where both were branches of the same trade. For instance, in the building trade, masonry and carpentering would be related. The definition and Clause 60 aimed at obviating the very evils which would arise if the definition did not exist. Under the definition and clause carpenters could not stick up masons and bricklayers, and others concerned in the building trade. The whole of the industries could be grouped, and the dispute submitted to the court. There must be no cessation of work. If the industries were not grouped, the bricklayers might strike and compel the masons, carpenters, and painters to stand idle. Clause 60 was almost exactly a copy of the section in the New Zealand Act of 1908, and that had not worked the terrible mischief which speakers had prophesied would result in this instance. The question whether it was wise to give power to group these industries could be discussed when we came to the clause. The words in the interpretation should be taken as a fair definition of what was meant by the grouping of industries.

Amendment put and negatived.

Mr. WISDOM: The definition of "industry" seemed to be rather inconsistent. The grouping of industries referred to Clause 60, and the clause under discussion stated that a trade might consist of a number of industries. Further on Clause 4 set forth that an industry might include a trade or number of trades. That seemed glaringly inconsistent, and quite illogical. It would be desirable to have "industry" more clearly classified.

Mr. GEORGE: The definition of "industrial dispute" seemed very wide in that it stated "howsoever originating." We should have some information in regard to that.

The ATTORNEY GENERAL: It was intended to allow people who had disputes in any form to have them settled by the court, without going to any conflicting trouble of civil strife.

Mr. MUNSIE moved as an amendment—

That in the definition of "Industrial dispute" the words "or association" be inserted after "union."

The Bill provided for the recognition of industrial associations of employers and workers, and in the definition of an industrial dispute we should also recognise associations.

The Attorney General: I consent to that.

Amendment passed; the definition also consequentially amended

Mr. GEORGE: Were the words "howsoever originating" to render procedure before the court more simple than at present? Was it that no quibble or question could be raised as to whether there was a dispute or not? Would the mere fact of going before the court be sufficient to enable the parties to be heard?

The ATTORNEY GENERAL: Yes. A number of cases had been heard and awards almost in readiness to be delivered, when the point was raised that there was no dispute, and the cases were thrown out of court on merely technical grounds. We made the definition of "industry" so wide that there would be no room for technical argument as to whether there was or was not a dispute. Once the case was at the court the president would decide that question.

Mr. GEORGE: Seeing that differences of opinion were to be heard by the Arbitration Court, the process should be made as simple as possible in the interests not only of the workers but of the employers, because the longer a dispute was kept pending the more bitterness and trouble was likely to ensue.

Hon. FRANK WILSON: In reference to the definition of "industrial matters," we were giving absolute power to the court. "Industrial matters" were defined as all matters affecting or relating to the work, privileges, rights, and duties of employers or workers in any industry. But it should not be interpreted that an arbitration court would interfere with every privilege, right, or duty of an employer or worker. One now could understand the Attorney General in his second-reading speech when he said that the Bill

gave the court power and control over the minutest detail of an industry.

The Attorney General: I never said that. *Hansard* does not say that.

Hon. FRANK WILSON: The Attorney General was right in so describing the Bill, because the court had power to control the minutest detail of any industry. But it was an objectionable power. The worker could not require the court to have that power, and certainly the court should not have the power so far as employers were concerned. On interference of that description would probably depend the success or failure of an enterprise. Many contented people would find conditions become so irksome in connection with the manipulation of an industry that they would perforce have to remain idle. Anything of that nature would be detrimental to the best interests of both employers and workers. One could not imagine how far it would extend, and members should think twice before giving an arbitration court unlimited power in this direction. Those sitting with the president of the court would not be skilled in all trades. One would not say that they would exercise the power given by the Bill unduly, but they might do so if it were put before the court in such a way that members of the court became impressed that it was necessary for them to investigate the minutest details of an industry. The court might go through works and lay down rules and regulations that would hamper that industry. They might even go so far as to cripple it with disastrous results to those employed and to those who embarked their capital in the enterprise.

Mr. A. A. Wilson: The court can bring the experts to help them.

Hon. FRANK WILSON: That even would not warrant giving these extensive powers. The court had power to ask for the nomination of two assessors to advise on technical matters, but it need not exercise that power.

Mr. Munsie: The other party to the dispute can exercise that power.

Hon. FRANK WILSON: That was so under the Bill but in nine cases out of ten it was never dreamt of and even the representatives of the different industries did not press upon the court the desirability of doing so. Anyhow it came back to this, that the court could go through an industry and lay down rules and regulations in connection with every matter in that industry affecting or relating to the work, privileges, rights and duties of employers or the workers.

The CHAIRMAN: It was the same in the present Act.

Hon. FRANK WILSON: The Attorney General should excise it from the Bill; the power was far too wide.

The Attorney General: You are discussing the principles of the Bill, not the definition.

Hon. FRANK WILSON: It was impossible to avoid debating principles in the interpretation clause; that had always been the case on previous occasions in measures of this sort. In Paragraph (c) there was a reference to the dismissal or refusal to employ any person or class of persons—would the Attorney General inform the Committee if that was in the existing Act or whether it was new?

Mr. Dooley: What does it matter?

Hon. FRANK WILSON: These were matters that members wanted to know; fancy giving the court power of dismissal.

The Attorney General: It is all in the old Act.

Hon. FRANK WILSON: The Committee ought to be given time to consider these details. Was paragraph (*d*) in the old Act?

The ATTORNEY GENERAL: In the definition of "industrial matters" in the Act of 1902 the definitions were exactly as they appeared in the Bill down to paragraph (*d*); (*d*) also was in the old Act.

Hon. Frank Wilson: I would like to strike that out.

The ATTORNEY GENERAL: That had been on the Statute book since 1902. The only difference was that in the definition of the old Act we had these words "'Industrial matters' means all matters affecting or relating to the work done or to be done by workers, or the privileges, rights and duties of employers and workers in any in-

dustry, not involving questions which are, or may be subject of the proceedings for an indictable offence, and without limiting the general nature of the above definition." The words "done or to be done" relating to the work had been omitted; that was because of the possibility of dispute; otherwise right down to and including paragraph (*d*) the Bill embodied what was in the existing Act.

Hon. FRANK WILSON: Paragraph (*d*) gave employers preference and did not give it to the workers, and although that was in the old Act he objected to it. If he could persuade hon. members to join him he would strike out the paragraph. He moved an amendment—

That paragraph (d) of the definition of "Industrial matters" be struck out.

Progress reported.

BILL—WHITE PHOSPHORUS MATCHES PROHIBITION.

Returned from the Legislative Council with an amendment.

House adjourned at 10·44 p.m.

Legislative Council,

Wednesday, 14th August, 1912.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILL—TRAMWAYS PURCHASE.

Second reading—Amendment six months.

Debate resumed from the previous day.

Hon. W. KINGSMILL (Metropolitan): It came somewhat as a surprise to me to hear the concluding part of the speech of Mr. Colebatch. I did not think that an attempt would be made to execute the Bill at so early a stage, at all events, in its passage through this Chamber. Personally, I do not propose to support the hon. member's attempt at any rate at this stage. This Bill is an extremely interesting one from many points of view, and I would not like to see its career cut short until it has had a chance of correcting some of the vices which it bears within it; until it has had that chance, I feel bound to vote against any proposition such as that so eloquently and ably moved by Mr. Colebatch. He raised the point as to which were the better course to pursue, nationalisation or municipalisation, and he fought that point principally, I think he will acknowledge, on broad principles. Now, it is a very good thing that matters should be treated in this Chamber on broad principles, but there are sometimes matters of detail which affect principles, however broad they may be, and it is by studying the details in this case that I have come to the conclusion that if we wish to better the tramway system of the metropolitan-suburban and suburban areas, that betterment can only be brought about at the present stage by nationalisation. It appears to me that there are very many difficulties indeed, most of which were dealt with by the leader of the House in his speech, in the way of municipalisation. If there were not other difficulties, difficulties in the varying forms of agreement made at certain times with the different suburbs through which these tramways run, agreements differing among themselves and all differing from the agreement made by the Perth City Council—if there were no other difficulties, these would be sufficient to turn my mind towards the scheme of nationalisation which has been introduced in this Bill. As hon. members have already pointed out, were there in existence to-day a scheme which has been in the air for a good many years, and which, may I be allowed to say, shows