"able to run creeks on their stations at pleasure."

In Queensland it was quite an ordinary occurrence to tap bores and regulate the flow. Dr. Mead, the Victorian expert, mentioned among the essentials which should be provided for by legislation—1, a record of all existing bores; 2, measurement of their pressure and flow; 3, regulation of the flow to prevent waste. In California any artesian well which was not capped or furnished with such mechanical appliances as to readily and effectively arrest and prevent the flow of water was declared a public nuisance, and the man who allowed it was guilty of a misdemeanour. In Colorado wells had to be capped and failure to comply constituted a misdemeanour. In Michigan no greater flow was allowed than would pass through a one-inch pipe. In Utah, South Dakota, and Nebraska, as well, an inch pipe was the extreme allowed. Dr. Mead said that California was dotted with the remains of works which at one time were used in irrigation, but owing to the waste of water these works had become useless. The clause was designed to meet such cases, and other provisions protected the owners of the wells. It was nothing but factious opposition, and a desire on the part of the Opposition to see Friday morning that instituted all this speechmaking.

Mr. MALE: The clause gave the Minister considerable power which should be exercised with great care and caution, and he resented Mr. McDonald's closing remarks. There have been instances in this State where, owing to the control of a bore, it had ceased flowing. There was an instance at Guildford, and another bore had to be put down.

Mr. McDonald: They have had all that experience in America, and still the inch pipe remains.

Mr. MALE: Property should not be damaged and perhaps rendered useless to please the whim of a Minister who had not sufficient knowledge.

Hon. W. C. Angwin (Honorary Minister): Will not the officers have sufficient knowledge?

Mr. MALE: The Minister had all the power.

The MINISTER FOR WORKS: The difficulty was recognised in that a special proviso necessitated an inquiry being held, so that full investigations would be made to protect the owner in case injury was done to his well. It was not likely Government officers would ask for something to be done to endanger a well or cause unnecessary expense. . . . . .

Clause put and passed. . . . . .

Clause 26—agreed to. . . . . .

Progress reported.

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House adjourned at 11·22 p.m.

Legislative Council,

Tuesday, 8th October, 1912.

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

HIGH SCHOOL ACT AMENDMENT BILL SELECT COMMITTEE.

Change of Member.

Hon. J. E. DODD (Honorary Minister) moved—

That the Colonial Secretary (Hon. J. M. Drew) be discharged from the select committee on the High School Act Amendment Bill, and that the Hon. J. F. Cullen be appointed a member of the said committee in his place.

The Colonial Secretary had desired that Sir Winthrop Hackett should act on the committee in his (the Colonial Secre-

tary's) place. The hon. member, however, did not wish to take a seat on the committee and Mr. Cullen had consented to take his place.

Hon. A. SANDERSON: In omitting the name of Sir Winthrop Hackett from the select committee in the first instance there was no intention whatever to cast any reflection. He (Mr. Sanderson) was not aware of the procedure of the House in regard to select committees.

Hon. Sir J. W. HACKETT: No one in the House, least of all himself, would think of charging Mr. Sanderson with discourtesy. The idea never suggested itself to him. He thought he should stand out of this select committee; he had no ideas on the subject, but he was afraid that the select committee would hardly stop the gap.

Question put and passed.

PAPERS—NEW SANTA CLAUS LEASES.

On motion by Hon. J. D. CONNOLLY (for Hon. R. D. McKenzie) ordered: "That all papers in connection with the New Santa Claus leases at Randall's be laid on the Table of the House."

BILL—BILLS OF SALE ACT AMENDMENT.

Report of Committee adopted.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Validation of the registration of certain bodies:

Hon. J. E. DODD moved—

That in line 5 after the word "industry" the words "and of 'Worker'" be inserted.

The amendment was of no great consequence; the words had merely been omitted from the clause.

Amendment passed; the clause as amended agreed to.

Clause 4—Interpretation:

Hon. M. L. MOSS moved an amendment—

That the definition "Group of Industries" be struck out.

When speaking on the second reading of the Bill he stated that it was highly inexpedient, that if, say, the carpenters were satisfied with their conditions, but that painters, because they were part of the industry as provided in the Bill, were not satisfied and created disputes, the painters could drag all the other tradesmen before the Arbitration Court. Where there was a dispute it was desirable that the question should be made as narrow and not as wide as possible, and it seemed in this definition that we would be widening instead of narrowing the dispute. The Minister might give some explanation as to what the intention was in regard to "group of industries" and related industries.

Hon. J. E. DODD: It was thought by Mr. Moss that because one section of an industry created a dispute, and desired to go before the court, it would drag the other members of the related industries in with them. It did not follow that because one section were disputing conditions that the remainder of the industry would be brought into that dispute

Hon. M. L. Moss: What is the object of this provision about the related industries?

Hon. J. E. DODD: The object was to bring about more cohesion in union matters. That might not commend itself to the House, but it did commend itself to the organisations not only that they might be more effective in dealing with disputes, but also from the point of view of economy of administration. It stood to reason that in a small town like Kalgoorlie where there might be only 10 or 12 bricklayers, 20 or 30 masons, and so on, it was better for the whole of those related industries to be grouped together instead of being split up into sectional unions; because, not only would the grouping provide a more economic way

of settling disputes, but it would prove much better for the employers. If the painters had a dispute, that dispute could extend to the whole of the other unions in the building trade, whether they were sectional unions or an affiliated body. The clause did not say that the unions should affiliate, but that they might do so if they wished. Probably many of the craft unions would object to forming a group industry, but if they did come together in one big union it would be better for themselves and for the employers.

Hon. D. G. GAWLER: So far as one could gather, the object of grouping industries from the union's point of view was that a group union would insist on a branch union consulting the combined body before they went to the Arbitration Court, and the combined union would say to the branch union, "If you do not get our consent we will not support you." That was a very sound view. No doubt branch unions would still exist, and the painters might have a dispute of their own with the builders without necessarily drawing others in, but could the combined union create a dispute in one branch, and then involve all the others?

Hon. J. E. Dodd: They will all be units of one whole.

Hon. D. G. GAWLER: If there was a dispute with one union it would not mean dragging the whole of the related unions into court?

Hon. J. E. Dodd: Not at all.

Hon. F. DAVIS: The amendment was likely to defeat the object which Mr. Moss had in view. Some time ago the men in the brick-making industry sought to improve their working conditions, and approached the employers with that object. Negotiations extended over some weeks, and during part of that period practically all other classes of the building trade had to cease work because of shortage of bricks. The brickmakers at that time had not formed a union and could not register and approach the Arbitration Court, and being in that position they were able to hang up the whole of the building trade. Since that time a building trades committee had been formed with the object of regulating all branches of that trade. If the clause was allowed to remain unaltered groups of industries, such as the building trade, could be regulated by Statute and could operate as one body; otherwise, the various sections of that trade would have to approach the court singly, and there would not be the control over the industry which the grouping of unions would enable.

Hon. M. L. MOSS: There had been a good deal of dictation by the unions of workers as to what they wished included in the Bill; in fact, after the Bill had been drafted it did not suit some of the unions, and the Government received instructions from them as to what amendments should be made. The Committee had to consider not only the interests of workers and employers, but, more important still, the benefit to the community of ensuring industrial peace. He was as desirous as any member of the Government of securing industrial peace, and he was anxious to afford the greatest facility to every body of workers to get to the Arbitration Court and have disputes settled. But there was another side to the question. There had been held a very important conference in Perth representing the Perth and Fremantle Chambers of Commerce, the Chamber of Mines, the Builders' and Contractors' Association, the Timber Merchants' Association, and the Flourmillers' Association, bodies which represented a large amount of the capital used in running the various industries in this State. That conference decided that "group of industries" should be deleted wherever it occurred throughout the Bill, and the contention of the conference was that wherever a body of workers had a legitimate dispute, the way should easily be open to them to bring that dispute before the court. But it was a different thing where there were six or seven trades in related industries, and six out of seven were satisfied, but the seventh was able to make a dispute and compel the whole of the other six to go to the court.

Hon. F. Davis: They cannot go without the consent of the whole. They must take a vote first.

Hon. M. L. MOSS: Even assuming that was so, he was not prepared to consent to four out of seven of those classes of tradesmen making a dispute and dragging the other three, who were perfectly contented, before the court. If the unions could be kept separate and apart that should be done. Mr. Dodd had admitted that the object was to bring about greater cohesion amongst the unions.

Hon. F. Davis: Why do you object to the larger unions?

Hon. M. L. MOSS: The fewer men it was possible to make discontented with their lot the better it would be for the community as a whole. This clause enabled a majority in those related trades to take a contented minority before the court. Why should they have that power?

Hon. J. E. DODD: The present system tended more to the creation of strikes than the system which the Government were seeking to have adopted. There was the instance of the Kalgoorlie engineers' trouble, in which case a strike was brought about by a section of unionists, not altogether concerned in the one industry, because at Kalgoorlie there were engineering foundries, the mines, and the power house; but some 130 men had it in their hands to shut down the whole of the mines, and they would have done so had not better counsels prevailed. Had there been a union of the whole of the workers in that industry this situation could not have arisen, because the other related bodies would have taken steps to see that the whole matter was thoroughly considered before action was taken. Again, 26 moulders practically held up the whole of the industry in Kalgoorlie. He did not say that the Bill would make all those unions come into one union, because he knew there was a large number of craft unions who would not go into one group, but everything was tending towards that. The whole trend of industrial matters was towards concentration. The tendency now was not to work as units, but to work in a collective capacity. The instance mentioned by Mr. Gawler in regard to related unions did not apply. Those unions affiliated with the society governing the whole, such as the A.M.A., gave financial assistance through the central body. Nothing stood more to the credit of the majority of unions during the past twelve months than the fact that they endeavoured to prevent the sectional bodies creating trouble. In the horse-drivers' trouble in Perth the other unions stepped in and prevented a transport strike similar to that in Adelaide. At Kalgoorlie the united body of unionism carried a resolution condemning the action of the sectional engineers on the coast and did more than anything else to bring those engineers to their senses. Right throughout Australia this happened—the head bodies of unionism set their faces against sectional bodies taking the law into their own hands.

Hon. Sir E. H. WITTENOOM: Theoretically it was correct to bring the related industries together, because it enabled them to be handled well by their leaders, but all the efforts of strikes and appeals to the Arbitration Court were for improvements in wages, and unless this was gained the unionists were dissatisfied. If the associated unions would be satisfied with awards, even if the verdicts were for less than they claimed, certainly the unions could be made as large as possible; but, from past experience, when awards were given against the unionists there was discontent; and though a portion might be prepared to continue at work, those controlling the associated unions would bring them out in opposition to the award. That was where danger would come in. When the awards were not in accordance with the ideas of the majority of the unionists, there would be trouble.

Hon. J. CORNELL: The Bill was based on the specific industry. When the existing Act became law there was a composite union on the Eastern Goldfields called the Amalgamated Workers' Association, but it could not continue under the provisions of the Act and therefore had to become a union embracing only members in the mining industry. After ten years' experience of the working of the Act with sectional unionism, not only on the goldfields but throughout Australia, we had arrived at the exact position, so far as unionism was concerned, as the Act abolished ten years ago, and composite unions were proved essential. The

Council could no more sweep back the progress of unionism in that direction than sweep back the sea. With sectional unionism there was chaos. An agreement or an award affecting miners on the mines could not affect miners in a quarry. There was less likelihood of disintegration by concentrating all the forces into one organisation. There was a deplorable set of circumstances at present existing on the Eastern Goldfields. Of the unionists employed on the mines at Kalgoorlie, 95 per cent. were prepared to settle a dispute, if possible, by means of conferences with the employers; and for the last month they had endeavoured by all means to bring about a common understanding among the sectional unions, and particularly with one section over which the 95 per cent. had no power. The majority of the unionists were prepared to give the Chamber of Mines an assurance that they would settle the dispute at once, whether the section representing the five per cent. liked it or not, and that they would be prepared to supply men in a similar class of work if the minority were prepared to hang the matter up. Under the Act 95 per cent. of the workers might be willing to fix up an agreement or abide by an award of the court, and yet five per cent., who might be engine-drivers, could say "No," and hang up the whole industry. There were eleven unions in the mining industry, all voting at different meetings. If they could be brought into one concrete union the majority could hold the minority in check if they wished to get more than was considered a fair wage. There would be less industrial strife with the consolidation of unionists, but when industrial strife did happen it would be sharp and more decisive, and not so prolonged.

Hon. M. L. Moss: There would be a general strike.

Hon. J. CORNELL: It was obvious; but general strikes were also brought about where there was sectional unionism. Certainly sectional unionism had outlived its usefulness, and the concentration of workers would come about.

Hon. Sir E. H. Wittenoom: Then it does not matter about having it in the Bill.

Hon. J. CORNELL: It was desired that the Bill should have a provision to meet the existing circumstances. With an amendment the Honorary Minister intended to move a union would have to run the gauntlet of the court as to its composite character. The president or the court would have to give a verdict as to whether or not a union should stand. If that amendment were agreed to and should gain the approval of the court there was no doubt that in a very short time a good deal would be done in the direction of linking up small organisations existing in many industries. With others, he had been instrumental in amalgamating three unions on the goldfields, namely, the Filterpress Employees' Union, the Iron and Sheet Metal Labourers' Union, and the Firemen's Union. In dealing with industrial disputes, that amalgamation had proved to be admirable, for the reason that there was now only one union to deal with. With others, he had been complimented by employers on the step taken, because it was recognised that it was easier to treat with one organisation than with several. In this regard he would say that the Chamber of Mines was the most reputable body of employers in the State to deal with. The Chamber was always anxious to settle and had never stooped to the raising of quibbles.

Hon. J. F. CULLEN: It was very inconvenient discussing at this stage the principle of Clause 60. In the circumstances he would suggest that Mr. Moss allow his amendments to be dealt with under Clause 60.

Hon. M. L. Moss: I am quite agreeable to that.

Hon. J. W. Kirwan: No; go straight on with the Bill.

Hon. M. L. MOSS: Under this proposal we might have four unions grouped, one with a membership of 500, and each of the other three with, say, 75 members. In such a case the one union would easily be able to out-vote the other three with which it was associated, and so, under Clause 98,

would have no difficulty in taking the other three unions to the court in the matter of a dispute with which they had little or no connection, and apart altogether from their desires. The system might operate very well with regard to the mining industry, as Mr. Cornell had suggested, but there were other industries to be considered. Imagine, for instance, the far-reaching effects of such a system in connection with the Railways. It might easily happen that an absolute majority of the men in the several railway unions and allied organisations would drag the whole to the court, notwithstanding that almost one-half of them had no complaints whatever against their working conditions or wages. The drift of this thing was of a political character. It meant the cohesion of the unions with a view to enabling the union "bosses" to more easily manipulate a numerous body of men than they could do under existing conditions.

Hon. F. Davis: What is the relation between the political and the industrial?

Hon. M. L. MOSS: Such a relation was obvious.

Hon. J. W. Kirwan: Well, tell us.

Hon. M. L. MOSS: It had been admitted by Hon. J. E. Dodd, Hon. J. Cornell, and Hon. R. G. Ardagh that the political aspect could not be considered apart from the industrial aspect of this question. So closely interwoven were the two that they could not be dealt with individually. The fullest opportunity should be given to any body of persons in any particular trade to go to the court with the greatest expedition; but it was now proposed to do something more, namely, to bring a number of persons to the court who had no dispute at all. He would not go that distance. Although quite willing that a majority should rule in each of the separate unions, yet he could not agree that because the painters had a dispute they should be entitled to drag the carpenters before the court.

Hon. J. W. KIRWAN: From all points of view, this part of the clause was essential to the Bill. For the past 15 or 16 years there had been no industrial trouble on the goldfields which was not brought about by a small isolated union not under the control of a larger body of unionists. As an illustration, there was the case of the moulders' strike, in which 26 men had held up the whole of the mining industry. Everybody on the goldfields would agree that it was easier to settle a dispute with a large union than with a small isolated one.

Hon. M. L. Moss: You do not mean to tell me that 26 men could hold up the mining industry?

Hon. J. W. KIRWAN: It was a recorded fact which Mr. Moss could easily verify if he cared to do so. It was clear that the hon. member knew very little about the question. In the matter of a group of related unions, such for instance as the bricklayers, the masons, the carpenters, and the painters, if any of these unions had a grievance they would have to bring it up and secure the approval of the other three before they could go to the court.

Hon. J. F. Cullen: The grouping is voluntary. They need not form a group.

Hon. J. W. KIRWAN: It was desirable to give them an opportunity to group. If we afforded that opportunity it would be availed of in a large number of cases. Most employers agreed that it was far better to deal with grouped unions as the chances of peace were greater. At the head of large unions were men of capacity and with a sense of responsibility, but small unions often put forward irresponsible individuals as officers who were difficult to deal with, who had no sense of responsibility, and who only created irritation and annoyance. He appealed to members to view the question from the point of view of the employer and the general community and allow the clause to stand. He had nothing to do with unions, but having watched these things on the goldfields where a big industrial trouble meant ruination to many people, the experience was that it was always easier to deal with large unions. There had never been trouble on the goldfields except in the case of small unions. If large unions had existed, several troubles which had threatened to become serious would have been avoided.

Hon. E. M. CLARKE: The logical issue of the arguments of some of the speakers was that the whole of the workers should be in one huge union. He declined to believe that the Minister desired anything of the sort. He would like the Minister to explain the position with regard to those engaged in the building industry, those who dug out the clay, the brick burners, the carters, and everyone concerned. He had no objection to them being in one union, but if, as Mr. Cornell suggested, the whole of the workers should form one huge union, he certainly objected.

Hon. J. Cornell: I believe it is coming.

Hon. E. M. CLARKE: Would the Minister inform members what would happen if the carters of bricks were dissatisfied with their wages. Would the bricklayers, hod-carriers, and cement-workers, all be brought before the court? Would the whole of the wages be reviewed, or only those of the dissatisfied section? If any section of workers were dissatisfied they should have every facility to get to the court, but he did not desire that all the workers in such as the building industry should be taken to the court on account of the grouping of industries.

Hon. H. P. COLEBATCH: There was no apprehension on his part of the danger that appealed to Mr. Moss. In no instance would grouping be compulsory, and in many instances it might not be advisable, though in some cases, particularly in small communities, it might be necessary to enable the employees to approach the court. As regarded the statement that this paragraph had been inserted for political purposes, that did not worry him. If the Bill put the strictest definition possible on each industry, we would still have done nothing to prevent unions from combining under one head for political purposes. In the case of a dispute in which the bricklayers were dissatisfied, the masons and carpenters would have to agree that the bricklayers had fair cause to complain. That should prevent the bringing before the court of cases for which there was no justification. He could not see how other industries could be dragged into the dispute because the form of application would be one for improved conditions for bricklayers, and bricklayers alone. There was not much to complain of on that score. Sir E. H. Wittenoom had raised the point that a union, having approached the court, might refuse to obey the award. In the case of the bricklayers, the decision might not be altogether satisfactory, but the carpenters, masons, and painters, if affiliated with them, would urge them to observe the award as they also had funds which could be attacked. Although he did not think this measure, or any other, would secure industrial peace, the grouping of industries would not lead to more breaches of awards than at present. The definition of "group of industries" in Clause 60 might not be satisfactory, but there were many instances in which grouping was necessary, and unless the paragraph was allowed to remain in the interpretation clause, we would shut out from the operations of this measure certain classes of employees, including the shop assistants, who were entitled to come under the measure.

Hon. J. E. DODD: Regarding Mr. Clarke's question, immediately there was trouble at the present time a strike ensued. Under the Bill he would not say there would not be strikes, but the measure would go a long way towards abolishing many of the pettifogging strikes of which we had had so many. When the workers were in one union, the sections would not strike and create the trouble they were causing now because the other parties would control them. Grouping was not compulsory. He was not advocating wholly composite unions but was contending for the industry union, which was a totally distinct body. A composite union comprised workers wherever they might be and irrespective of whether they were in a given industry. The A.W.A. had brought about its downfall, not by being concerned in regard to a particular industry but by taking in publicans, chemists, and others.

Hon. J. D. Connolly: Did not the Arbitration Act bring about the downfall of the A.W.A.?

Hon. J. E. DODD: It helped to some extent. Unions of industries such as the

mining or building industry, which included a number of small sections——

Hon. D. G. Gawler: Would you call shop assistants an industrial union?

Hon. J. E. DODD: That question would be dealt with later. The wholly composite union was provided for in some instances, as set forth in Subclause 3 of Clause 6. He would explain when that clause was reached why it was desired in that particular case. There was the instance of the engine-drivers and moulders. In Kalgoorlie the miners had only one industry, but connected with that industry were several unions. The moulders were connected with the mining industry and there were moulders outside the mining industry, and three moulders managed to call out the miners of a certain mine which was shut down, and had been ever since.

Hon. J. D. CONNOLLY: The argument of the Honorary Minister might be very good insofar as it related to the mining industry, but it would not apply to trades outside of that industry. In the mining industry seven-eighths of the unionists belonged to two unions, the engine-drivers and miners. Therefore, this question would not affect the mining industry to any great extent. The Honorary Minister had said that the A.W.A. broke down because the rules of admission to that union were made too wide, but the Honorary Minister should know that in 1902 when the present Conciliation and Arbitration Act was passed there was a fight set up as to the recognition of the A.W.A. in the Act which it was now desired to repeal, and it was not thought fit in that Act to admit of the recognition of a big union like the A.W.A. Yet the Minister was seeking to put into this Bill a principle that was rejected in the Bill of 1902. It was idle, so far as the mining industry was concerned, to say that this provision was necessary in their interest, because we had had instances of a few men holding up that industry, and if a few could hold up an industry under the present law there was nothing to prevent the same occurring under the Bill. What was to prevent a union from saying to the men in an industry that they must submit their case to arbitration. They did not do it in the past, and they would not do so in the future.

Hon. J. E. Dodd: How could they do it?

Hon. J. D. CONNOLLY: They could say to the employer, "You must go to arbitration and if not, we are not against you bringing in other men to take the places of the present employees." What was the definition of a "Group of Industries"? We were told in Clause 60 that an industry or industries should be deemed to be related to another where both were branches of the same trade, or were so connected that industrial matters relating to the one might affect the other. Take the building trade. Mr. Davis in giving an instance mentioned the brickmakers. Because the brickmakers could not agree to go to arbitration that must affect the whole building trade. The building industry might consist of half a dozen trades to-day, and because the brickmakers were affected all the other unions had to be affected also. Because the brickmakers had a dispute why should we force all the building trades to go out on strike or go to the Arbitration Court?

Hon. J. E. Dodd: That follows now.

Hon. J. D. CONNOLLY: There was a difference between the mining district and the metropolitan districts. In the mining district there was only one industry, but in the metropolitan district it was a matter of buying and selling. Take the timber workers. They extended from the carting of the logs to the mill right through to the manufactured article. What purpose could be served by grouping industries thus affected. It was not in the interests of industrial peace to group industries.

Hon. J. E. CORNELL: In regard to the remarks of Mr. Connolly there was in the miners' union 2,700 members. The surface workers' union comprised 1,500 members, and there were about nine other unions in the mining industry. That would leave 1,200 miners and engine drivers above the surface workers. How did that bear out Mr. Connolly's argument? In dealing with the 1902 Act Mr. Connolly attacked the Honorary

Minister as if he was to blame, but the Honorary Minister was in Kalgoorlie when that Act was passed. Mr. Moss and Mr. Connolly had dealt with what might happen under the present Bill, but he (Mr. Cornell) would deal with what could happen in the building trades today. Take the four unions in the building trade. Some of them might be dissatisfied with their conditions. Suppose there were 200 bricklayers, 100 carpenters, 80 plumbers, and 80 painters. They might be dissatisfied under the present Act, and what was possible to happen? A ballot would be taken as to whether they should go to the Arbitration Court, the bricklayers might vote 150 against going and 50 in favour; the carpenters 26 against going and 74 in favour; the plumbers 35 against and 45 in favour, while the painters might vote 24 for not going and 80 in favour. Therefore, we could have a majority of the aggregate workers not in favour of going to the court.

Hon. R. J. Lynn: Why should a majority refuse permission to the minority to go to the court?

Hon. J. CORNELL: On the Golden Mile there were 6,000 miners, and yet 200 engine-drivers could hang up that industry.

Hon. M. L. Moss: They might have a legitimate dispute.

Hon. J. CORNELL: Trades unionists were sordid, just as employers were, in their motives.

Hon. J. D. Connolly: That is a candid admission.

Hon. J. CORNELL: They were sordid in their motives through the insularity of their position. The Minister said strikes could not be prevented, and he (Mr. Cornell) agreed there. But say for argument's sake, 200 men decided to hang up the 5,000 by not going to the court, and acted on their own iniative, did members not think that if the 5,000 voted together the will of the majority would be respected? Under present conditions unionism amounted to this: there were in trades unionism what might be called the aristocracy of labour, and the more scope we gave to those who were desirous of industrial peace, and to control those aristocrats of labour, the better it would be. He had already told hon. members that the gun was loaded and if we did not agree to the measure it would go off, but if we agreed to the amendment, when the gun went off it might go off at the wrong end.

Hon. M. L. MOSS: It was to be hoped that the hon. member's latest expression was only figurative. His (Mr. Moss's) desire was to stand up for the minority and it was obvious to him that this might be a fearful instrument of tyranny in the hands of a majority.

Hon. J. E. Dodd: You are changing your tactics now.

Hon. M. L. MOSS: Nothing of the sort. This was one more argument which proved to him how undesirable the definition was. There were a number of industries grouped, there might be 1,000 people in that group of industries, and there might be 200 in it who had legitimate grounds for complaint. Those 200 might have conditions under which they should not be expected to work, they might be in receipt of a rate of wages under an award which was not just, and they would demand that the union in the group of industries should allow them to go to the court, and by an overwhelming majority, a reply might be given in the negative. It was obvious when that occurred that the 200 men to whom he had alluded would be placed under a great disadvantage.

Hon. R. J. LYNN: An instance which was apropos of the discussion and which occurred within the last few days in connection with tramway matters might be given to the Committee. A citation was made by the Tramway Employees' Association and it included every industry in connection with the operation of the tramways, and on that being referred to the Arbitration Court in Melbourne, it was sent back again with the object of some agreement being arrived at between the employers and the branch associations. The result was that a large body of the employees, the motormen and conductors, were satisfied to enter into an agreement with the employers but they

discovered that in the citation it was impossible to get conditions that the firemen, a very small section of the tramway employees, would agree to. The result was that 85 or 90 per cent. of the tramway employees at Fremantle were willing to enter into the agreement, but asked the tramway board to exempt from it those other men who were not prepared to accept the conditions which had been set forth. That indicated that a large section of the association, having obtained what they required, were quite willing to sign the agreement and allow the balance to negotiate for what they could get for themselves. The agreement was signed and the remainder of the men were taken out of the citation and, thanks to the intervention of the Honorary Minister (Mr. Dodd), those men agreed to accept his award, which was satisfactory to the tramway board and to the employees. He mentioned this to show that it was impossible under those conditions to group all the industries in order to bring about a satisfactory award for all concerned. Had that been before the court a large majority would have been satisfied with the agreement, and the minority would have had to accept something less. It was his intention to support the amendment moved by Mr. Moss.

Hon. J. W. KIRWAN: It was possible, in exceptional cases, that it might occur that a minority would be coerced by a majority, but it must be remembered that in other instances where a minority would bring their case before a group of unions, the latter would go into the whole matter —and employees were usually sympathetic towards each other—and it would be a very rare instance indeed where the minority, suffering from a genuine grievance, would not have the sympathy of the majority. The clause was an additional safeguard against industrial troubles and would lessen the number of industrial disputes. Of all hon. members who had spoken against this proposal in the Bill not one had mentioned a single case where harm could be effected by reason of the definition being included in the Bill.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment put and negatived.

Hon. J. D. CONNOLLY moved an amendment—

That after the definition of "Group of Industries" the following definition be inserted:—"'Industrial combination' or 'combination' means any number of workers not less than twenty who belong to an industry which, when such combination is registered, does not possess an industrial union within the industrial district, and who signify by an application in the prescribed manner, signed by not less than twenty of them, their desire to refer an industrial dispute to the court for settlement or to enter into an industrial agreement."

The object of the amendment was to facilitate what members had been told was the great aim of the Bill, namely, doing away with technicalities, and the making of access to the court easier. In the existing Act, and also in this Bill, it was laid down that no organisations could approach the court other than registered unions. Why there should be that limitation he did not know. Any other court could be approached by all persons who felt aggrieved, but under the arbitration law it was laid down that a party must belong to an industrial union.

Hon. F. Davis: How would you penalise those who do not belong to a union?

Hon. J. D. CONNOLLY: One had yet to learn that anybody had been penalised under the law which had been in force for the last ten years. For all practical purposes penalties were non-existent. If he had his way, he would abolish penalties and simply provide machinery for the settlement of disputes, because penalties were not practicable, and were not brought into use. There were many organisations which were not trades unions, and why should they not be allowed to approach the court without going through all the technicalities required by the present Act and re-enacted in this Bill? The amendment had been agreed to by the Council in a former amending Bill in the year 1907 or 1908, but through the unexpected prorogation of Parliament, it did not go through the Assembly. Under the present law 15

men could form a trades union, and eight of them could take a case to the court. But the amendment proposed that an industrial combination should comprise not less than twenty persons, and that at least twenty should be unanimous in regard to taking a case to the court. It could not be argued that this would be increasing litigation or industrial turmoil. There were many industries which had not an industrial union, and it was very necessary that the men employed under them should have their wages fixed in the same way as members of an industrial union.

Hon. J. E. DODD: The amendment was one of the most insidious that could be moved. Mr. Connolly had stated that the Government of which he had been a member had introduced this amendment and carried it through this Chamber. That hon. member had on several occasions accused the present Government of yielding to popular clamour in regard to the provisions of this Bill. Yet the hon. member must know that it was not the prorogation of Parliament that brought about the withdrawal of the amending Bill to which he had referred, but the fact that it had been condemned from one end of Western Australia to another.

Hon. J. D. Connolly: That does not amount to much, when your organisations asked this House to throw this Bill out neck and crop.

Hon. J. E. DODD: Now that the hon. member was not responsible for the administration of the industrial law, he brought forward the same proposition that his Government had not been game to carry through.

Hon. J. D. Connolly: Parliament prorogued immediately after that Bill passed this House.

Hon. J. E. DODD: The hon. member's Government had been in office until last year, and yet despite the fact of constant agitation for an amendment of the Act, the Government had brought forward no further amending Bill.

Hon. J. D. Connolly: Our policy was to substitute wages boards.

Hon. J. E. DODD: That argument was too thin. The carrying of the amendment would increase the technicalities by one hundred per cent.; it would create other bodies apart from trades unions, who might approach the court. The amendment was moved with the object of bursting up trades unionism, and if the trades unions accepted it for a moment, they would be accepting something which would bring about their doom. There was no need for the amendment in any shape or form. On all debates on this Bill, members had continually drawn attention to the fact that the measure was one which placed its seal on unionism, and why this amendment should be moved at this late hour he did not know. The proposal was absolutely futile, because no labour body in Western Australia would accept it for a moment. The hon. member stated that he did not know of any penalties having been inflicted. Could a more glaring misstatement be made than that, coming, as it did, from a member of a Government who had, on several occasions, prosecuted trades unions?

Hon. J. D. Connolly: But did they pay?

Hon. J. E. DODD: In almost every case the fines had been paid. As soon as these industrial combinations, which the hon. member proposed, secured their award, they could pass out of existence, and not be held liable in any way.

Hon. J. D. CONNOLLY: It was idle to argue that immediately a combination got an award they could disband and escape any penalty inflicted on them, because it had yet to be shown whether there was under the present Act any penalty against a union. The penalty should be enforceable against the individual. The amendment would not affect trades unions. Trades unions existed before there was any Industrial Arbitration Act; and they would continue to exist, notwithstanding that industrial combinations could approach the court. Trade unions did not exist merely for the purpose of approaching the court; they existed for entirely different purposes altogether.

Hon. J. CORNELL: If Mr. Connolly was logical in bringing forward an amendment for an object which was outside the purposes of the Bill he should provide a definition of "industrial combination."

Apparently the object of the hon. member was that a few malcontents among various unions could form an industrial combination to foment and create industrial strife. Was there any body of men banded together who desired special recognition? There was only one organisation in Australia existing for apparently benevolent purposes, and that was Packer's union for free labourers or free workers, a union that was turned down and repudiated by every industrial court in Australia. It would be necessary if we provided for industrial combinations, to provide how their rules should be framed and how their members should be elected, in the same way that the Bill provided the machinery for the conduct of trades unions. The hon. member would not find ten of his constituents in the North-East province suporting him in the desire for industrial combinations.

Hon. J. D. CONNOLLY: It was clearly laid down in the amendment that a number of malcontents in a union could not approach the court; because it was only where there was no union existing in the industry that 20 men could form an industrial combination to approach the court. There was nothing unfair about that. Because there was no union existing, were these men to be debarred from approaching the court?

Hon. J. CORNELL: It was provided in Clause 6, Subclause 3, that if it was expedient that a union should not be limited to a specified industry it could be registered as an industrial union, notwithstanding that its members might be associated for the protection and furtherance of the interests of employers or workers in connection with divers industries, and notwithstanding that such divers industries might not be a group of industries within the meaning of the Act. In other words, employers or employees could form unions of a composite character, and that was all it was necessary to provide for. Provision should not be made for every set of circumstances. The Bill was made sufficiently elastic to meet the case the amendment was supposed to meet.

Hon. J. E. DODD: It was provided in Section 92, Subsection 6 of the present Act that if the funds of a union were not sufficient, the penalty could be enforced upon the property of members of the union, but in the case of an industrial combination the payment of any fine could not be enforced because it could be disbanded immediately an award was given.

Hon. J. D. Connolly: Impose the penalty on the individual.

Hon. J. E. DODD: The penalties proposed to be inflicted on unionists by taking away their rights as unionists could not be inflicted on an industrial combination. In some industries and in some cases, if it was possible for industrial combinations to be formed, very few of the leading members of the union would get employment. In a large town it was always possible to secure 20 men prepared to form an industrial combination, and thus unscrupulous employers could break up unions at any time.

Hon. D. G. GAWLER: Subclause 3 of Clause 6 referred to by Mr. Cornell merely applied to composite unions, and enabled workers to join together, notwithstanding that they might be employed in connection with several industries; but Mr. Connolly's amendment was distinctly limited to one industry and enabled workers belonging to one industry to form a combination if there was no union registered in connection with that industry. As to whether or not this would undermine the objects of the Bill he did not care to express an opinion.

Hon. R. G. ARDAGH: It was to be hoped the amendment would not be inserted. The clause as it stood was just what was required. If the amendment were inserted it would do a great deal towards breaking up industrial peace, for it would provide loopholes for a few malcontents who desired to cause trouble.

Hon. V. HAMERSLEY: Looking at this matter from the point of view of the agricultural and pastoral industries, the amendment was deserving of support. In those industries industrial peace had reigned until the agitator came in. Unless some provision were made for com-

binations of independent workers to approach the court, there would be a good deal of trouble.

Hon. J. CORNELL: Mr. Gawler had said that the amendment would only apply to an industry in which there was no union. But, in another clause it was provided that fifteen workers in an industry could form a union. It was to be assumed that if twenty men could be found to form an industrial combination it would be easy to get fifteen to form a union. Therefore the amendment was superfluous, for provision was already made enabling fifteen men to form a union. The amendment was merely an attempt at illegitimate unionism.

Hon. M. L. MOSS: It had to be admitted that wherever there was a body of workers there was a union. Therefore the application of the amendment would be a dead letter. He would suggest that the amendment be withdrawn.

Hon. J. D. CONNOLLY: Certainly there was not, to-day the same necessity for the amendment as had previously existed. Because of this it was surprising to see the forces arrayed against the amendment. However, he had no desire to press it.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved an amendment—

That in line 12 of the definition "Industrial Dispute" the words "or in any related industry" be struck out.

The question had been pretty fully debated before tea, but in the end it had been put to a rather thin House. Notwithstanding all the discussion, there had not been, as yet, any division on the question. It was his intention to force the amendment to a division.

Hon. J. E. DODD: A division on the question would be welcome, in order that it might be seen exactly how members felt with regard to it. Mr. Moss had shifted his ground so often in connection with this particular clause that it was doubtful if the hon. member now knew exactly where he was. It was to be remembered that the provision was not compulsory, but merely permissive. These unions need not combine unless they felt so disposed. He had always been an advocate for craft unionism, as opposed to wholly composite unions. If any section of unionists desired to be amalgamated in one union, why should they be deprived of that privilege? He had no wish to hide the fact that these combinations would be far better from the cohesive point of view, and from the point of view of economic administration. It was to be hoped the amendment would be agreed to.

Hon. M. L. MOSS: It was useless for the Honorary Minister and Mr. Kirwan to keep on saying that he (Mr. Moss) knew nothing about the subject; this contention would not deter him from fully expressing his opinions upon the clauses of the Bill. He had been a very careful student of the matters contained in the Bill and knew just as much about it is those members and was as anxious to have a measure on the statute-book which would ensure industrial peace. Mr. Dodd said he had shifted his ground. He had done nothing of the kind. If that was the opinion the Honorary Minister entertained of the various arguments he had adduced, he was sorry that he had such a poor comprehension. He had discussed this question from the political aspect and from the point of view of protecting the minority from an arrogant majority, and from the point of view of it being inexpedient to the community generally. The Honorary Minister had pointed out that this was only permissive. Although permissive in character, it was so highly undesirable and inexpedient in the interests of the community generally that he was not prepared to grant such permission. He thought he had defined clearly and accurately where he stood. He was not so blind as members wished to make out. Some members wished to force every worker into one union; he wanted every man to stick to his own last at it were, and did not want them to be mixed up. If the hon. member thought he did not know what he was talking about the other members would have no doubt that he had a very strong opinion on this question, and did know something about it.

Hon. J. W. KIRWAN: Mr. Moss had referred to him as having said that he knew nothing about this particular subject. He would remind the hon. member that it was in response to an interjection he made, which showed clearly that he did not understand what he was talking about so far as the interjection was concerned. He (Mr. Kirwan) said there were 26 moulders who stuck up the mining industry and Mr. Moss said it was not so. Mr. Dodd went on to point out that three moulders had stuck up the Lancefield mine and rendered 300 men idle. In the face of the interjection Mr. Moss showed that he did not know what he was talking about. It was constantly necessary to correct misrepresentations by the hon. member. A member in another House had given Mr. Moss a severe and well-deserved castigation.

The CHAIRMAN: The question before the Committee was whether the words "or in any related industry" be struck out.

Hon. J. W. KIRWAN: It was his desire to make an explanation and to point to numerous instances of misrepresentation on the part of Mr. Moss. That member came into the House with an imperfect knowledge and there was a number of members who, as a result of his specious argument, voted with him. The hon. member was practically trying to become the dictator of the country. Every time a misrepresentation was made he would point it out. He wished to warn Mr. Moss that he would watch him closely.

The CHAIRMAN: The hon. member was quite out of order in continuing this discussion.

Hon. J. W. KIRWAN: The castigation Mr. Moss had received from a member in another place——

The CHAIRMAN: The hon. member was quite out of order in referring to a debate in another place.

Hon. J. W. KIRWAN: Possibly he was, but he hoped it would do the hon. member some good. He was sorry to have to take up the time of the House over this matter but it was of vital importance to the whole State. Mr. Connolly said it might possibly refer to the goldfields but not to the rest of the State. Anything that imperilled the industrial peace of the goldfields was of vital concern to the whole of the State. The wage earners on the goldfields numbered 16,000, and at an average of £200 a year each that meant an expenditure of £3,200,000 in wages alone, and any check on that expenditure, which meant practically £10 per head of the population, would affect every industry. It was the experience of the goldfields that troubles had been invariably caused by small unions and the same thing applied to the State, though the rest of the State might not be affected to the same extent. He pleaded with members who had any regard for employers of labour or for the business interests of the State not to vote for the amendment.

Hon. M. L. MOSS: The hon. member had risen to warn him and to give a severe castigation.

Hon. J. W. Kirwan: The hon. member must be corrected.

The CHAIRMAN: Both hon. members were out of order. This discussion with regard to the personal merits of members must cease.

Hon. M. L. MOSS: The hon. member's remarks did not concern him in the slightest. He said the observations related to an interjection regarding 26 moulders. The hon. member had a bad memory and was greatly to be pitied. Mr. Kirwan went on to say that he knew nothing of the mining industry and his occupation was such that he knew nothing of the various industries of the State. He (Mr. Moss) desired to make that observation to show that Mr. Kirwan was not correct when he said that the reference was in connection with an interjection. The hon. member had pleaded hard for the Committee to vote against the amendment. Mr. Cornell and Mr. Dodd had been straight in admitting that they wanted cohesion and wanted to make large unions and make machines which would have more effect on the industries of the country than separate unions. He desired separate unions. In endeavouring to get industrial peace we should keep the unions separate; otherwise it would be putting an instrument of tyranny into the hands of

the majority against a hopeless minority. This had a political significance and Mr. Dodd knew that he realised it.

Hon. J. W. KIRWAN: On a personal explanation he wished to correct a statement made by Mr. Moss. The hon. member said he used the words "severe castigation" concerning what he (Mr. Kirwan) had said. The words were used in regard to what two members of Parliament had said. The hon. member, in shifting his ground——

Hon. M. L. Moss: On a point of order——

The CHAIRMAN: The hon. member was going outside his personal explanation.

Hon. J. W. KIRWAN: It was his intention to reply to the remark that this paragraph was included for political purposes.

The CHAIRMAN: Was that the personal explanation?

Hon. J. W. KIRWAN: No, he had started with a personal explanation and now he wished to reply to certain phases of the question referred to by the hon. member. Mr. Moss, in shifting his ground about, made a very strong point of the political motive that inspired the inclusion of this paragraph in the Bill. That was an utterly nonsensical statement. Whether the unions were isolated groups or one combination they had the same influence in politics. Nothing had been urged in support of the amendment. It had not been shown that the clause would do any harm to anyone, but if deleted a great deal of harm would be done. The presence of isolated unions was a source of danger to industrial peace and a source of weakness to those endeavouring to bring about a peaceable settlement of disputes.

Hon. J. F. CULLEN: It was undesirable to vote on the principle of the grouping of industries on the side issue now before the Committee. He had suggested to Mr. Moss that it would be advisable not to take a division on the previous amendment but to wait until Clause 60 was reached. He would ask Mr. Moss again not to press the Committee to divide, especially as the previous amendment had gone by default. Neither the Honorary Minister nor Mr. Cornell nor Mr. Kirwan had given the Committee the strength of the case and unless there was a good deal more light thrown upon it an intelligent vote could not be given. If Mr. Moss pressed this to a division he (Mr. Cullen) would be bound to vote on the other side, simply because he was not prepared to vote against the principle of the grouping of industries without more light being thrown on the matter.

Hon. W. Patrick: If you vote for this clause you vote for the grouping of industries.

Hon. J. F. CULLEN: When the Committee reached Clause 60, he would reserve to himself the right to vote as his judgment dictated.

Hon. M. L. MOSS: Mr. Dodd himself admitted it would be as well to take the sense of the House on this question. It was a cardinal principle and it was so regarded by the Minister; it was no side issue. The passing of the previous definition which the Committee had discussed was very much in the nature of a snap vote, although he did not attribute to anyone the motive of having tried to bring that about.

Hon. J. CORNELL: The Committee had decided on the principle of the definition of the grouping of industries as contained in the Bill. Now we were discussing the interpretation of industrial disputes. The Committee had held that the grouping of industries was permissible. The clause relating to industrial disputes set out that it was permissible for an industrial dispute to occur in an industrial or a related industry. If this division was taken, he hoped, for the sake of consistency, the Committee would defeat the amendment and give tangible effect to the previous decision arrived at.

Hon. Sir E. H. WITTENOOM: There had been nothing to convince him that this definition was necessary. He was ignorant of the details of unionism, but it seemed to him to be fraught with a considerable amount of possible danger. On a number of occasions he would agree that the grouping of industries would be of advantage: for instance, when a matter was discussed and arbitrated on and the award was made for two or three

years, the larger the number who would avail themselves of that award the better, but if we had a dispute, say, with bricklayers, who immediately brought in related trades, then the position would not be an advantage. That seemed to be the danger of having the industries allied.

Hon. J. E. Dodd: You are supporting the clause.

Hon. Sir E. H. WITTENOOM: He would like to support it, but he was afraid of the dangers to which he had referred and therefore felt that he would have to oppose it.

Hon. J. E. DODD: The best argument which had been advanced in favour of the definition was that of Sir Edward Wittenoom, who said that in certain cases this should be availed of. The Bill made it permissible that where a union could see the advantage, it should take the advantage, and that was all that was being asked. There was no better argument in favour of the clause than that. With regard to Mr. Moss's attitude, what was behind his argument had at last been brought out. The real position was that Mr. Moss was frightened that something might happen by the formation of big unions. There was no ulterior motive whatever behind the unions so far as politics were concerned. He (Mr. Dodd) had never tried to hide his meaning but had always been fairly honest and consistent in stating what would happen, and he repeated that the principle of the grouping of industries would be more effective in the settlement of industrial disputes. If anyone could show him that wrong would be done he would be willing to fall in with any proposal for an alteration.

Hon. W. PATRICK: The argument of Mr. Dodd when he said that this clause would prevent small unions from causing the whole industry to be penalised was difficult to follow because it was optional with any union as to whether they joined a group or not. That being so, there was no reason why they should join if they felt inclined to stand out and approach the court on their own. There was grave danger in the words proposed to be struck out, because they would lead to a grouping of industries. Reference had been made to the case of the shop assistants and warehousemen. Some time ago the warehousemen had applied for registration, which has been refused because the retail shop assistants had already obtained registration, and the warehousemen were considered to be a related industry. The cases and the conditions of employment were, however, entirely different and there was no apparent justification for refusing registration in that case. Under a clause such as this, those men would have no redress, but would be compelled to join the retail shop assistants' union whether they liked it or not. It was stated by some hon. members that the grouping of unions would be of advantage in the building trade for instance, but he thought it would be a great disadvantage. It would be a calamity to call out the whole of the unions in the building trade at the dictates of a majority of the related unions. In the process of erecting any big building there were not more than two or three of the related trades employed at one time, and there was no reason why a dispute with one branch should not be taken to the court and the other branches continue at work as usual. He would support the amendment.

Hon. E. McLARTY: The arguments used by the Honorary Minister seemed to have a good deal of force. He could not see that there was any danger in allowing a small union to amalgamate with a larger one. Very often such amalgamation would prevent a good deal of industrial strife, because the larger unions would bring commonsense to bear, and the small discontented section would be persuaded to see their imagined grievances in a different light.

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

Ayes	9
Noes	11
Majority against ..	2

AYES.

Hon. E. M. Clarke	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. M. L. Moss	Hon. R. J. Lynn
Hon. W. Patrick	*(Teller).*

Noes.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. J. Cornell	Hon. A. G. Jenkins
Hon. J. F. Cullen	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. E. McLarty
Hon. J. M. Drew	Hon. F. Davis
Hon. D. G. Gawler	(*Teller*).

Amendment thus negatived.

Hon. M. L. MOSS moved a further amendment—

That in the definition of "Industrial matters" paragraphs (d) and (e) be struck out.

The object of the amendment was the prevention of preference to unionists, and as that question had been argued at length on the second reading there was no need to further discuss it now.

Hon. J. E. DODD: Paragraph (d) in the Bill was the same as paragraph (d) in the existing Act, and he did not know that anything had occurred in connection with the operation of the Act which had shown that any injustice was likely to be done to anyone by the retention of this clause.

Hon. J. F. Cullen: It is only humbug; there is nothing in the clause.

Hon. J. E. DODD: It was always possible for an employer to discharge unionists especially leading unionists, and unless there was some provision of this character there was nothing to protect those men. If preference was given there was not likely to be any victimisation. He could not say that he knew of many employers in this State who had victimised employees because they were unionists. He believed there had been one or two instances, but there might have been other factors contributing to bring about the discharge of those men. The Federal Arbitration Act had been in existence seven or eight years, and the judge had never yet given preference to any industrial organisation; therefore, he did not think that any good would result from the amendment, and if the paragraphs did not mean anything, as Mr. Cullen said, what was the harm of leaving them in the Bill?

Hon. J. F. CULLEN: The two paragraphs were childish and futile. They were a confession from either side of a very low mind regarding the other side. Nothing could be more easily evaded. It was supreme nonsense to talk about employers being entitled to a preference of the services of unionists. Would any employer advance the claim to the services of a unionist that by an Act of Parliament he was entitled to call upon a unionist to work for him? If the man did not wish to work for the employer would he be a man to give unwilling services?

Hon. M. L. MOSS: With a view to getting a vote separately on these paragraphs he asked leave to withdraw his amendment.

Amendment by leave withdrawn.

Hon. M. L. MOSS moved a further amendment—

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

Hon. J. W. KIRWAN: What did the Government propose to do if these paragraphs were struck out? He was anxious to see the Bill pass as nearly as possible in the form in which it was introduced. Unionists raised the argument that they did not wish to submit to arbitration because the arbitration was not that they desired, seeing that the Bill they now worked under was not introduced by a Labour Government. It would be of great value to the country to have the Act as nearly as possible the Bill introduced by the Labour Government. This clause merely gave the court power to do certain things, and we should give considerable powers to the court. We all knew what happened to the last Arbitration Bill, so that it was desirable this measure be passed. If the Government considered the particular paragraphs of importance and if they were "bunkum" as Mr. Cullen had said, why could not the Council allow them to be passed?

Hon. E. M. CLARKE: Every British subject should have equal rights in every respect. If one brother was entitled to certain things because he belonged to a union, the other brother outside the union was entitled to the same rights in every respect. Clause 65 provided that in the hearing and determining of every industrial dispute the court should act according to equity and good conscience.

How could a court act in equity and good conscience and yet give preference to unionists? It provided in the clause under discussion that the court might give preference, but it was either right or wrong to do it, and we should say at once whether it is right or wrong, and not give the court this power.

Hon. J. E. DODD: The very paragraph now opposed by the hon. member was one which he probably supported in 1902.

Hon. M. L. MOSS: The question under discussion was merely paragraph (d) giving employers preference to the services of unionists. Seeing it was only through unions that the Arbitration Court could be approached this was probably put in the Arbitration Act as a sort of right given to employers; but it was absurd, because a man could not be compelled to work if he did not feel disposed to do so.

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

Ayes	14
Noes	7
Majority for ..	7

Ayes.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. D. G. Gawler	Hon. W. Patrick
Hon. V. Hamersley	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom (*Teller*).

Noes.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	(*Teller*).

Amendment thus passed.

Hon. M. L. MOSS moved a further amendment—

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

On the second reading he had claimed that workers outside of unions should have the right to live and the right to work. Preference to unionists was a very dishonest principle which should have no place in an Act of Parliament.

Hon. J. CORNELL: Clause 85 provided that the court might direct that preference should be given to unionists, other things being equal. The Bill, like the existing Act, was based on unionism. The whole principle of arbitration was based on unionism. Before we could have arbitration it was necessary to have unionism, and to make that unionism workable. If it was essential to have unionism it was essential also that the unions should be financed, and, in consequence of that, members of unions were called upon for periodical contributions. It was provided that an award of the court should be binding on unionists and non-unionists alike, notwithstanding that to make an award possible it was necessary to have unions, the members of which had to contribute to the upkeep thereof, while no demands whatever were made of non-unionists, who, without any payment, shared in the benefits of the award. Therefore, it was only logical that preference should be granted to unionists, other things being equal.

Hon. R. J. Lynn: How are they going to discriminate?

Hon. J. CORNELL: In his opinion hon. members were making a mistake in discussing what the Bill was going to do. The arguments used at the passing of the existing Act had since been proved to have but very little bearing on the ultimate working of that measure. He claimed to know as much about trades unionism as did any member of the Committee with the exception, perhaps, of the Honorary Minister, yet he was not egotistical enough to attempt to predict what interpretation the court would put on the provisions of the measure. Arbitration was based on unionism because it was universally believed that to get the most satisfactory working from arbitration it must be between unions of employers and unions of workers. That was the point from which he approached this question of preference to unionists. It was unfair that any person should avail himself of the terms of an award without contributing his mite towards the expenses of the hearing, and the maintenance of the unions. This principle of preference to unionists was

contained in the Federal Arbitration Act, and should be permitted to remain in the Bill.

Hon. J. F. CULLEN: The chief objection to the paragraph was that it placed employment on a rotten basis. The workers should stand on their merits, getting work because they were fit for it. The paragraph was an unmanly, pitiable whine for failures. A man said "I am a unionist," and the employer thereupon must employ him in preference to a capable non-unionist. It was a humiliating come-down for any Australian worker. It was a rotten basis of employment. Mr. Cornell had said there were certain expenses attached to unionism, and that naturally the unions expected that all workers benefitting under the award should share in those expenses. But, after all, what were the legitimate expenses of unionism? The necessary legitimate management was a mere bagatelle—he was not taking into account funeral and other benefits because they were worth paying for—and why should unions humiliate themselves by saying that because they had to pay a few pence to run their unions which were part of the machinery of the Arbitration Court, they should ask for preference. He would have pleasure in helping to defeat the clause.

Hon. D. G. GAWLER: Mr. Cornell had asked for reasons why members should vote against this principle. On the second reading he had given his reasons. One was that if the president of the court was to be a partisan, and nobody could say he would not be, preference to unionists would be granted, because that would be one of his dearest principles. It was fair to a large extent to those who had borne the heat and burden of the day in getting awards that others, who took advantage of them, should be in the unions and he believed in unions for industrial purposes, but where he parted company with Mr. Cornell was where industrial unionism was dominated by the political. So long as that was the case, it was one of the strongest arguments against preference to unionists being adopted. It was well-known that every member of a union was bound to vote for a particular brand of politics. If the funds were divided and members were not bound, it might be said that preference to unionists was not objectionable. He was not discussing that. Mr. Dodd had practically agreed to that proposition because he mentioned that a miners' union in Kalgoorlie had as one of its rules that a member was not bound to contribute to the political funds. Mr. Cornell said it was unfair and unmanly of outsiders to avail themselves of the privileges of unionism when they did not belong to unions. When reference was made to unfair and unmanly behaviour could they not retort that unfair and unmanly tactics had been adopted towards those who did not belong to unions. Only the other day he had quoted a paragraph showing some of the tactics adopted and that paragraph had been endorsed by Mr. McCallum. Those who did not want to be forced into unions should not be so forced. He had also quoted an instance of the treatment meted out to a man at Boulder. For those reasons he would vote against the clause.

Hon. F. DAVIS: Too much value was attached to the statements that unions took a good deal of interest in political matters. He had attended scores of trades union meetings and in a great number politics had never been mentioned. He had heard objections raised by some, who wished to engage in educational work that there was no time, owing to the amount of industrial business, to deal with political matters. The statement that funds would be used for political purposes was somewhat beside the mark because the members who made that statement could not know definitely the extent to which political matters entered into the conduct and life of trades unions. The question had been raised as to whether unionists were better men than non-unionists. For eight or nine years he was an employer of labour and his experience was that the best men were almost invariably unionists.

Hon. D. G. Gawler: You got hold of good ones.

Hon. F. DAVIS: They were good as a rule because they were members of unions.

The inferior men did not join the unions for the reason, he supposed, that they felt they were not equal to others in point of ability. Non-unionists had offered to work for considerably less than standard wages and he had declined to have anything to do with them because he recognised that they did not possess the ability of unionists. He had met other employers who had had the same experience, and he contended that trade unionism had been a distinct benefit to the workers as a whole. The majority were men of the greatest ability. Regarding preference to unionists being given because of benefits received, a good deal of self-sacrifice had often been entailed in the formation of a union. The men stood the chance of losing their employment and had had to pay large sums in comparison with their wages to maintain and create the unions, and was it fair that others should come in after better hours of labour and higher wages had been secured and decline to contribute in any shape or form towards the expenses incurred, or to help to improve their own conditions? They were willing enough to take the benefits. For that reason preference to unionists was fair and reasonable and he supported the clause.

Hon. Sir E. H. WITTENOOM: Anything that might be said would not alter a vote. However, he would not like to give a silent vote after what Mr. Cornell had said. He was in favour of unionism and always had been, and had never made the slightest distinction between a unionist and a non-unionist, but he could not see why a man should be bound to join a union unless he wished. It was said that non-unionists availed themselves of the expenses and efforts incurred by unionists to secure improved conditions, but it did not always follow that conditions were improved. A lot of workmen would like to take on clearing or building by contract but unionists asked for day labour. Some men would like to work 12 hours instead of eight.

Hon. F. Davis: Do you say a man would like to work 12 instead of eight hours?

Hon. Sir E. H. WITTENOOM: Yes, so long as he was paid accordingly. Underlying preference to unionists was the attempt to get everyone into unions for political purposes, and once in the unions the workers would have to vote as arranged. There were certain leaders and certain political ideas, and the unions had to vote for them. If he wanted indisputable proof he could not secure better than Mr. Cornell's instance of the election for the Federal Senate. It was more than a coincidence that Western Australia should return six Labour members to the Federal Senate. The unions were well organised and were well looked after as regarded their voting. Mr. Cornell said that when we got the same conditions of voting the Legislative Council would be the same as the Senate. So it would. That was proof that in unions they voted according to their principles. As to how members voted in unions, he knew for a fact that this was known. The organisation was complete, and as long as there was preference to unionists, so that no man outside could get a job, and so was forced into the union, and his politics were dictated to him, so would the organisation of labour be carried on more successfully than ever. He commended hon. members for trying to carry out their principles, but he (Sir Edward Wittenoom) did not believe in them and therefore he could not help them. If he lost his seat to-morrow he would never vote for preference.

Hon. E. M. CLARKE: An instance might be given of what sleeper hewers were doing in the way of working more than the eight hours. Many of them worked of their own free will for ten hours a day, but why should not these men have the right to do that if they wanted to? The reason was that some men worked for employers, while these sleeper hewers were working for themselves.

The CHAIRMAN: The hon. member was getting away from the point.

Hon. E. M. CLARKE: Hon. members had pointed out the benefits to be secured through unionism for workmen generally, and his desire was to point out that it

did not apply in every case. The benefits were more imaginary than anything else. In giving preference to unionists we would be giving preference to one section over another and that was the principle to which he objected.

Hon. R. G. ARDAGH: Having been a unionist for 21 years his opinion was that those who were in unions were the means of getting better conditions for the workers throughout the world. The motto of the Labour party was "United we stand, divided we fall," and there was no gainsaying the fact that unless the workers banded together they would get very little from their employers unless it was the "sack." A good deal had been said with regard to unions being banded together for political action, but the majority of unions had industrial matters always in the forefront. Mr. Cullen had said that it was humiliating to be a unionist.

Hon. J. F. Cullen: Not to be a unionist, but to bait for preference.

Hon. R. G. ARDAGH: We were asking for preference to all. What he meant was that he believed every man should be in a union to protect himself. If the definition was not carried he hoped the Government would be courageous and withdraw the Bill.

Hon. W. PATRICK: The question was whether we were to go back to the middle ages or remain free men. In the middle ages in every town of considerable size there were what were known as trade guilds, which would allow no one to enter unless it was by a vote of a member of that guild. The majority of those who were in the guilds were employers, but there were also employees in them. In many cases the action in these guilds was very harsh and there was one historic case which might have resulted in the modern industrial world being moved back probably a century. He referred to the case where one day a young man entered Glasgow where he wished to start business as a mathematical instrument maker. The trade guild in Glasgow, however, would not allow him to practise within the city boundary, but he was taken in hand and protected by the senate of the University. The result was that that young man, James Watt, brought about a revolution throughout the world and nearly all the benefits which the working man had obtained up to the present day had arisen from that revolution which resulted from the discovery of steam. It was his intention to oppose the clause because it would provide preference for a portion of the community. It was entirely contrary to what we had been battling for for hundreds of years and it was contrary to the privileges which were given to us under our Constitution. He was astonished at any man calling himself a democrat even attempting to argue in favour of such a proposition. The deletion of the definition would receive his support.

Hon. T. H. WILDING: It was his intention to support the amendment. Mr. Cornell, the champion of this particular definition, had said that the object of unions was to get all they could and to ask for what they thought they could get, and if that came along then to ask for more and keep on asking until they got the lot.

Hon. J. Cornell: You do that when you are selling wheat.

Hon. T. H. WILDING: The unions, however, asked for money, but they never said whether they were going to give value for it. Mr. Cornell had made it very clear that unions would get all they could and give as little as possible in return. What did we find in connection with the building trade in Perth? It was not long since a placard was stuck up on one building to the effect that the men were going to lay only so many bricks in the day.

Hon. F. Davis: Do you really believe that?

Hon. T. H. WILDING: A man came down from Northam, and because he laid too many bricks on one job he was compelled to leave the place. That went to show what unionism would do. Preference to unionists ought to be struck out of the Bill.

Hon. J. E. DODD: So far as compulsory unionism was concerned he was not a believer in it. He was at Broken Hill at the time of the big strike in 1892, when compulsory unionism proved to be the

weakest link in the chain of unionism. The whole of the employees on the border had to be unionists, and it was all right when silver was high. When the price of silver dropped and the employees had to pay, a good many of the unionists thought they were impregnable, but compulsory unionism proved their downfall. The men who were compulsory unionists were the first to blackleg upon the others. Therefore, to his mind there was nothing in compulsory unionism. But this clause did not provide that there should be compulsory unionism.

Hon. J. F. Cullen: It goes a long way towards it.

Hon. J. E. DODD: No. The same power was in the Federal Act.

Hon. M. L. Moss: And the judge had never exercised his power to grant it.

Hon. J. E. DODD: That was just the point. Although a permissive provision of this character had been in the Western Australian Act for ten years and in the Federal Act for eight years it had never been utilised.

Hon. M. L. Moss: Because they are very doubtful as to whether it is constitutional.

Hon. J. E. DODD: The same provision was in the New Zealand and New South Wales Acts, and he was not sure whether there was a reference to it in the two Bills now before the Queensland and South Australian Parliaments respectively.

Hon. D. G. Gawler: It was provided by a Labour majority in the Commonwealth Parliament.

Hon. J. E. DODD: The Act was passed by the Watson Ministry, but Mr. Deakin proposed to make it permissive in the Bill he introduced. It was said that everybody should be given the right to work, and to live. There was a good deal of hypocrisy about that statement.

Hon. J. F. Cullen: It is in your programme.

Hon. J. E. DODD: And because the Labour party believed in it they asked that this provision should be inserted. The employer by refusing the right to work, refused the right to live. Mr. Justice Higgins had clearly stated that in the shearers' case. If the proposal was that there should be compulsory unionism in all awards, he would not be standing up in support of it, but the provision in the Bill was merely a safeguard against victimisation of the unionist. Mr. Gawler had referred to unionists staring out non-unionists, but if the Committee wanted an instance of extreme views on the other side they had only to take the case of a Church of England dean who proposed to hold a thanksgiving service in one of the parishes outside London when Mr. Will Crooks, one of the Labour M's.P., was defeated.

Hon. D. G. Gawler: The rest of the church would not agree to that, whilst you do agree with Mr. McCallum.

Hon. J. E. DODD: Another English clergyman had publicly stated in his prayer that he hated Lloyd George.

Hon. C. Sommers: You urge that non-unionists should be shot.

Hon. J. E. DODD: In regard to scabs and blacklegs, here was a statement from an A.W.U. organiser in New South Wales—

> Twenty-one station hands were dismissed from Ellengerah station to-day for joining the A.W.U. The owner said that if the men attended the meeting and joined the union he would dismiss them. He carried out his threat. They were chiefly immigrants, and receiving 22s. 6d. per week. He now boasts that he can get another gang from the Immigration Department within 24 hours at a rate lower than that ruling in the district. Since the start of shearing thirty-six men have been dismissed, all being members of the union. It is to be regretted that the Immigration Department can be used for this purpose.

That showed the necessity for some sort of protection for unionists.

Hon. J. D. Connolly: What were you quoting from?

Hon. J. E. DODD: That was the statement of an A.W.U. organiser.

Hon. M. L. Moss: We take that *cum grano salis*.

Hon. J. E. DODD: Here was a letter from a station owner, Mr. J. F. T. Hassell—

> Your letter of 23rd June only just to hand, wanting a position. I am not employing any union men this year, but if you are not a union man, I will allot you a pen. My terms for shearing are 25s. per 100 sheep shorn, 30s. for stud ewes, and two for one for rams. Board 16s. per week, or grub yourself. Bunk in shearers' hall free. If you are a union man I cannot employ you.

Because of instances of victimisation like that, he was asking that the Bill should give some protection to unionists. In a recent award given by Mr. Justice Higgins, His Honour was asked to give preference to unionists, and he told the union that he would not give preference while the funds were used for political purposes. Members could see that the whole system was thoroughly safeguarded, and he honestly believed that the provision in the Bill should remain, because of the victimisation that might take place if it was struck out.

Hon. H. P. COLEBATCH : There was a complete answer to the Honorary Minister in regard to the attitude of Mr. Justice Higgins in the fact that the Commonwealth Government did give preference to unionists. He believed it was wrong that they should do that, because they were merely giving preference to their own political supporters. The Committee were told that this clause was to protect the unionist against victimisation, but surely that protection could be given in a clause dealing with victimisation. Surely it was not logical to attempt to prevent victimisation by giving preference. Paragraph (d) had been inserted merely to set up a claim for consistency, because one could imagine nothing more absurd than telling Jim Jones to work for Tom Smith, and not for Jack Brown, because Smith belonged to an employers' union and Brown did not. When provisions of this nature were inserted it was the duty of the Government to justify them, but not one word of justification for the iniquitous system of preference had been heard. Members were not to be influenced by the threat that if preference was knocked out the Government would drop the Bill. The unionist was not likely to be hurt in any way by the striking out of these provisions. If the Government chose to take up the attitude that because the Committee would not grant preference to unionists, they would not pass an amending Arbitration Bill; for his own part he was quite willing that they should do so and take the responsibility.

Hon. J. CORNELL : In regard to the Senate election referred to by Sir E. H. Wittenoom, when there were 40,000 votes given in this State for the Labour candidates, at that peroad there were only 24,000 unionists in the State. The other 16,000 voted came from people who had intelligence enough to believe that the policy of the Labour party was for the advantage of Australia. Mr. Patrick had gone back to the middle ages, but in citing James Watt as the discoverer of steam the hon. member had shown ignorance. James Watt was the first to apply steam, but the discovery of steam was very much earlier. It was part of the policy of the Labour party to give preference to unionists, and the State Government should follow the example of the Federal Government and give preference to unionists in all departments. Thus it would become a question of policy, and the people at the ballot box could demonstrate their approval of it or otherwise. There were cases of victimisation. On one case Mr. Pilkington had given legal opinion, and it was that language did not cover the victimisation that was brought about.

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

Ayes	14
Noes	7
Majority for	7

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. Sommers
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. D. G. Gawler	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. C. McKenzie
Hon. R. J. Lynn	*(Teller).*
Hon. E. McLarty	

Noes.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	(*Teller*).

Amendment thus passed.

Progress reported.

ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The COLONIAL SECRETARY (Hon. J. M. Drew) moved—

That the House at its rising adjourn until Thursday.

Hon. M. L. MOSS: Obviously the object of the Minister was to adjourn over Show Day, but Thursday was equally Show Day, and as most of the members desired to catch the train at 5 o'clock on Thursday the House should adjourn until Tuesday.

Hon. J. W. KIRWAN: The Minister should not forget that members had travelled 400 miles to attend the House, and though it was all very fine for city members to ask for an adjournment until Tuesday, the Government should consider those living at long distances from the City.

The COLONIAL SECRETARY (in reply): The House must certainly meet on Thursday. He had been inclined to ask members to sit to-morrow night, but so much pressure was brought to bear by members that he yielded. It was not only Show Day, but a public holiday, and as the Assembly were adjourning until Thursday he had decided to fall into line with the wishes of members, but an adjournment until Tuesday could not be justified.

Question put and passed.

House adjourned at 10.28 p.m.

Legislative Assembly,

Tuesday, 8th October, 1912.

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

QUESTION—PUBLIC SERVICE, RATES OF PAY.

Mr. CARPENTER (for Mr. Dwyer) asked the Premier: 1, Is it intended that all applicants for temporary employment in the Government service should pay for medical examination prior to appointment? 2, In the case of clerks on the temporary staff in the Government service in receipt of 11s. per day (£171 12s. per annum), is it intended that these, on being given permanent appointments, should receive at least £168 per annum? If so, have there been any exceptions to this rule, and how many, and what are the reasons for the rule being departed from? 3, What are the rates of pay now ruling for clerks on the temporary staff in the Government service? Is it intended that they should receive more than permanent officers employed in similar work?

The PREMIER replied: 1, This matter is now under consideration. 2, (a) It is not intended in every case to appoint temporary clerks receiving 11s. per diem at a commencing salary of at least £168. (b) Three have been appointed to the permanent staff under that amount on account of their age and qualifications. 3, The rate of pay is governed by the work to be performed. It is not intended to pay temporary clerks more than officers on the permanent staff.

QUESTION—RABBIT-PROOF FENCE.

Mr. ALLEN (for Mr. Layman) asked the Minister for Lands: 1, Is it intended to make the existing rabbit-proof fence proof against dingoes and foxes? 2. Will