Mr. GEORGE: I am not worrying so much about the rivers as about the smaller creeks.

The Minister for Works: Even then the water in the creek may come from beyond his boundary. How will you get over that?

Mr. GEORGE: The man above him is under the obligation to allow sufficient water through to supply the people below him, with enough for domestic purposes. It is the old question of riparian rights. I do not know that it is necessary to say anything more in connection with the matter because it is more a Bill for consideration in Committee than anything else. I cannot sit down without congratulating the Government upon the introduction of this Bill. Those of my constituents who will be affected feel very strongly with regard to it, and although I do not sit on the same side as the Government, my sense of justice tells me that if anything is done which is beneficial to my constituents I should express my gratitude for it.

On motion by Mr. Turvey, debate adjourned.

House adjourned at 10.26 p.m.

Legislative Council,

Wednesday, 25th September, 1912.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1. Formation of an aboriginal native reserve in the unsettled portion of the Kimberley country, Papers (ordered on motion by Hon. J. D. Connolly). 2, Map of the reserves proposed to be surrendered by the Fremantle Municipal Council to the Government for the purpose of workers' homes.

MOTION — CORONER FOR THE METROPOLITAN DISTRICT.

Hon. M. L. MOSS (West) moved—

That in the opinion of this House a duly qualified medical practitioner should be appointed coroner for the metropolitan district.

He said: This is an important matter. At the present time honorary justices perform this important work. The stipendiary magistrates, of whom there are two in Perth, and one at Fremantle, have their hands full with other work. Mr. Roe is almost continuously engaged in the police court in Perth and Mr. Cowan in the local court in Perth, while at Fremantle the duties of Mr. Dowley, the resident magistrate, do not give him sufficient time to perform this work; and in addition to their ordinary duties both Mr. Cowan and Mr. Dowley perform circuit work, Mr. Dowley's district extending as far as Pinjarra. Some years ago there were medical men acting as coroners. Dr. Black carried out the duties for some time in the metropolitan

area satisfactorily, and subsequently Dr. Lovegrove performed the duties in a satisfactory manner. It is no new principle that this work should be performed by medical men. Everywhere else throughout Australia, where there are centres as large as Perth, Fremantle, and Kalgoorlie, properly qualified persons, namely qualified medical practitioners, perform these duties. Hon. members need not be informed of the grave consequences that very frequently arise when these inquests are held. Charges of manslaughter, murder, and arson are often formulated as a result of coronial inquiries. The last thing I want to do is to cast the slightest reflection on honorary justices, because they have performed a lot of very useful work throughout the State, and I do not think I am casting any reflection on them when I say the large percentage of them, being business men and working men, are not competent to decide upon the important issues that are raised in many of these cases. If a coroner is appointed to perform this work in the metropolitan district he can be coroner for the whole State, and when a grave case arises in a centre like Kalgoorlie or in fact in any other centre tapped by the railways, he can be available to perform the important duties attached to the office. He need not be coroner for Perth and Fremantle only; he would necessarily perform the coronial work for the whole State. There is a very long business paper to-day and it is not my intention to take up the time of hon. members. I think their good sense will direct them in voting for my motion. It has everything to recommend it. I can see nothing against it. The expenditure in connection with it is a very small matter in comparison with the benefits and advantages the population of the State will derive from the appointment I suggest. I hope the Government will not put any opposition in the way of its being carried into effect.

Hon. J. CORNELL (South): I will not detain hon. members long, and I only speak with the idea of gaining information. I am in accord with the proposition of the hon. member. I take it that to carry out his proposal it will necessitate the payment of a coroner. Where I come from coroners have done good work, though unfortunately they are called upon to do it too often. I think the procedure of the past in asking men to give valuable time to such work should be recognised and recognised immediately in the way of some payment being made to them. I hope that this motion will have some effect in bringing about a radical change in the procedure of asking men to do an important work and neglect their own business and occupations for no remuneration.

On motion by the Colonial Secretary, debate adjourned.

BILLS (2)—THIRD READING.

1, Unclaimed Moneys (returned to the Legislative Assembly with amendments).

2, Roman Catholic Church Property Amendment (*passed*).

BILL—TRAMWAYS PURCHASE.

Petition.

Order of the Day read for the consideration of the following petition received on the previous day from the mayor and councillors of Perth:—

> The humble petition of the mayor and councillors of the City of Perth showeth as follows:—1, A Bill is now pending in your honourable House intituled "An Act for the Purchase by the Government of Western Australia of the undertaking of the Perth Electric Tramways, Limited." 2, By the said Bill power is sought to enable the State of Western Australia to purchase from the Perth Electric Tramways, Limited, the undertaking of the company as defined in Clauses 1 and 2 of an agreement dated the 23rd day of May, 1912, and expressed to be made between the Perth Electric Tramways, Limited, of the one part and the Honourable Sir Newton James Moore on behalf of the Government of the State of Western Australia of the other part, for the sum of £475,000. 3, Your petitioners under an agreement dated the 17th day of April, 1897, and expressed to

be made between the mayor, councillors, and citizens of the city of Perth of the one part and Charles Preston Dickenson of the other part, have the following rights in the abovementioned undertaking from the said company:—(a) Right to purchase in 1925 without payment for goodwill; (b) if that right be not exercised the right to purchase again recurs in 1932 without payment for goodwill; (c) if the above options to purchase are not exercised then a reversion to the council in 1939 of the whole of the undertaking within the whole of the boundaries of the city of Perth and all extensions made within ten years after the date fixed in the above agreement for the completion of the said works, without payment except the actual sum paid for the freehold lands; (d) three per cent. of the gross earnings to be paid by the company to the council; (e) the council to have the right to use the tramway poles for lighting purposes; (f) the company to maintain the tracks; (g) the council to have the right to use the lines between midnight and 5 a.m. for scavenging or other purposes. 4, Power is sought by the Bill to transfer to the Government the said undertaking free and discharged from all obligations and liabilities to your petitioners under the above agreement save and except the payment of the three per cent. of the gross takings until the year 1939 and the rights to repair the track and to use the poles as before mentioned. 5, The Bill contains no provision for compensating your petitioners for the loss to them of the options to purchase and the reversionary rights in the event of such options not being exercised. 6, The effect of the purchase proposed to be authorisod by the Bill would be to deprive your petitioners of rights which are exceedingly valuable, the value of which is shown by the fact of the Government being prepared to purchase the concession of the company for the sum of £475,000 having only a thirteen years' life, while the concession if acquired by the council subsequent to thirteen years would be in perpetuity. 7, If it had not been for the options to purchase acquired by the council and the reversionary rights which they hold in the undertaking, it would not have been possible for the Government to purchase the undertaking for the sum of £475,000. 8, The only compensation for your petitioners provided by the Bill is that contained in Clause 8 thereof, and such compensation is insufficient, inequitable, and unjust. 9, The said Bill if passed into law will prejudicially affect the property, rights and interests of your petitioners. Your petitioners therefore humbly pray that the Bill may not be allowed to pass into law as it now stands, and that your petitioners may be heard by Thomas George Anstruther Molloy, the Mayor of the city of Perth, before your honourable House against the clauses and provisions of the Bill, and in support of other clauses and provisions for the protection of the interests of your petitioners. Or that such other relief may be given to your petitioner in the premises as your honourable House shall deem meet.

Hon. C. SOMMERS (Metropolitan): The prayer of this petition is that the mayor of Perth may be heard at the Bar of the House so that he may put before us some fresh matter, which I understand he is able to give, showing that the Bill now before us does not deal fairly with the rights of the Perth City Council. I have no desire to delay the House, therefore, I move—

That the prayer of the petition be granted and that the Mayor of Perth be heard at the Bar of the House.

Hon. W. KINGSMILL (Metropolitan): I second the motion.

The PRESIDENT: Before putting this motion, it is my duty to make a few statements with regard to it.

Hon. M. L. MOSS: I wish to speak before the motion is put.

The PRESIDENT: The hon. member can speak after I put the motion. I can find nothing in the Standing Orders which provides for a motion of this character, but I have referred to *May's Parliamentary Practice*, 10th edition,

page 450, in which the following passage occurs :—

> The second reading is the stage at which counsel have been heard, when the House has been of opinion that a public Bill was of so peculiar a character as to justify the hearing of parties whose interests, as distinct from the general interests of the country, were directly affected by it. It is a general principle of legislation, that a public Bill, being of national interest, should be debated in Parliament upon the grounds of public expediency; and that the arguments on either side should be restricted to members of the House, while peculiar interests are represented by the petitions of the parties concerned. Questions of public policy can only be discussed by members; but where protection is sought for the rights and interests of public bodies or others, it has not been unusual to permit the parties to represent their claims, either in person or by counsel. Counsel have also been heard at various other stages of Bills as well as on the second reading.

As will be seen from this, the second reading is the stage at which public bodies can represent their claims either in person or by counsel. In the present case we have reached the third reading stage of the Bill, and the mayor and councillors of Perth have had an opportunity of presenting their case before the select committee which was appointed to inquire into the Bill, an opportunity of which they have fully availed themselves. Under these circumstances, as the House has the power to control its own business, it rests entirely with the House to decide whether the mayor shall be heard in accordance with the prayer of his petition. It has been moved and seconded that the prayer of the petition be granted, and that the mayor of Perth be heard at the Bar of the House.

Hon. M. L. MOSS (West): From the observations which have fallen from yourself it is quite obvious that the attempt which is being made to allow the mayor of Perth to address the House will be regarded in any other place as a most unusual application, and one which I was almost inclined to think from your remarks you were going to rule out of order. Up to the present I have opposed the Bill. Certainly I have not spoken on it, but I followed Mr. Colebatch in, I think, every division and, therefore, in rising to oppose the motion which has been moved by Mr. Sommers I cannot be accused of doing it because I am anxious that the Government should take over the tramway system. The question now raised is an entirely different one from that of whether or not the Bill should pass. In my opinion a very bad precedent is about to be set up if the House listens to the prayer of this petition and grants it; because if the mayor of Perth is entitled to come into this Chamber and air his eloquence for an unlimited period of time, the same opportunity ought to be afforded to every other interest.

Hon. W. Kingsmill : It rests entirely with the House on each occasion.

Hon. M. L. MOSS : True, but if you give the privilege to the mayor of Perth you ought also to give the privilege to every other interest affected by the Bill. If you listen to the one side of the question, then by the same reasoning you must listen to the other side. It is not as if this matter had been dealt with by the House in a hasty manner. Personally, I am sure that before this question reached Parliament everybody who had taken any interest in the question at all must have been surfeited with all kinds of matter relating to it published in the daily Press for a long while past. When we take the evidence which has been given before the select committee, and when we see that the evidence of Mr. T. G. A. Molloy occupies exactly nine pages of closely printed matter, and when I am informed by hon. members of that select committee that Mr. Molloy was there for the best part of two hours, and talked himself to a dead standstill —one hon. member interjects that that is impossible—when on the top of that he was followed by Mr. Northmore, the city solicitor, who put the legal aspect of the question, when in turn came Mr.

Bold, the town clerk of Perth, whose evidence occupies four pages, and then Mr. Corbett, the city treasurer—surely in face of this it cannot be said that ample opportunity has not been given to the representatives of the city council. Yet on top of it all Mr. Sommers tells us that there is fresh matter to be put before the House. I have always taken the hon. member's word on every previous occasion, but in the absence of any statement as to what that fresh matter may be, he really will have to excuse me if on the present occasion I admit to having my doubts. I do not know what attitude my friend, the Colonial Secretary, is going to take up in regard to this matter, but looking at it from the point of view of the House itself I think it is a grave reflection on the House, because it almost suggests that hon. members have not been sufficiently interested in the matter to read the evidence given before the select committee.

Hon. J. Cornell: Or have not had intelligence enough to understand it.

Hon. M. L. MOSS: Yes, if the hon. member likes to put it that way. Because of this we have to be obliged to listen to the mayor of Perth for an unlimited period while he elucidates the evidence for us. I think it is obvious there is no new matter to be put before the House, and that this precedent of admitting a gentleman not a member of Parliament to give his views here is one that ought not to be resorted to except under very grave circumstances indeed. There are in the House three members representing the Metropolitan province and three others representing the Metropolitan-Suburban province, and I think they are quite capable of advocating the claims of the districts served by the tramway system. I think the House will be acting in a most ill-advised way if it is decided to listen to an application of this kind. Nothing whatever was shown by Mr. Sommers which would justify the House in departing from the usual practice. It is the duty of hon. members to give their own views for and against measures, and not to allow an advocate from outside, whether he be the mayor of Perth or any other person, to come here and advise them on any question whatever, particularly as the gentleman alluded to has had full opportunity of going before the select committee. I am reminded by Mr. Gawler that in addition every member has been circularised in respect to the question, and I think it is idle to suppose there is one fresh piece of evidence to put before hon. members.

The COLONIAL SECRETARY (Hon. J. M. Drew): I thoroughly agree with everything Mr. Moss has said. He clearly and definitely expressed my own views on the question. I would be the last in the world to attempt to close any person's mouth in connection with a great and momentous question, but Mr. Molloy has had ample opportunity for expressing his opinions and stating his case before the select committee. It would be a grave mistake if a precedent were to be established in this respect. To my knowledge there are scores of persons in Western Australia who have grievances, not only against the present, but against past Governments, back to the days of Sir John Forrest, and if this precedent were established of allowing those who imagine they have grievances to come before the bar of the House and state them, no doubt there will be many demands made for such a privilege. I must, therefore, on the ground of principle, reluctantly oppose the motion.

Hon. J. CORNELL (South): I am going to oppose the motion. Had Mr. Molloy not been given ample opportunity of ventilating the views and wishes of the city council I would, perhaps, have been in favour of his being heard, but every possible facility has been given to Mr. Molloy and the institution he represents. I heartily agree in all the remarks of the previous speakers, and with what you, Sir, have said. I recognise that Mr. Molloy, in his advocacy of his cause, can only be likened to Tennyson's *Brook*. He will go on for ever; and I think if he be admitted to the bar of the House he will carry out all the attributes featured in that great poem. I hope the House will not create some-

thing that will go down to posterity as a tradition, namely, that Mr. Molloy was the first individual in Western Australia to appear at the bar of the Legislative Council. I oppose the motion, and will oppose all similar motions unless sufficient grounds are given for their being agreed to.

Hon. C. SOMMERS (in reply): Mr. Moss in the course of his remarks used the words "grave circumstances." Surely these are very grave circumstances in the history of the city council. They are having taken from them a right to which they attach great value, not for their personal interests but for the ratepayers of Perth for all time.

The PRESIDENT: The motion is that the prayer of the petition be granted.

Hon. C. SOMMERS: And also that the mayor be heard at the bar, in order that under these grave and exceptional circumstances, entailing, to his thinking, a great wrong upon the corporation, he might put the views of the city council before us. I hold that grave circumstances have arisen, sufficient to give him that privilege. Hon. members seem to be afraid that his worship would go on like Tennyson's *Brook*, that he would be unlimited in his address. Yet we were told by Mr. Moss that when the mayor was before the select committee his powers of endurance were not unlimited, that he broke down in two hours. So we see that the extreme period for which hon. members would have to listen to him is two hours. The mayor is an advocate for the ratepayers. It is no imaginary grievance, but a very real grievance, for they consider that the right to be taken from them is worth many hundreds of thousands of pounds. Seeing that there is no urgency in this matter, and that it is not all-important that the measure should pass this very day, I hope that a possible delay of two hours will not be regarded as an absolute bar to granting the prayer of the petition, and giving the ratepayers an opportunity of being heard through the mayor.

Question put and negatived.

BILL — FREMANTLE-KALGOORLIE (MERREDIN-COOLGARDIE SECTION) RAILWAY.

Message received from the Legislative Assembly notifying that it had agreed to amendment No. 1 and had disagreed with amendment No. 2 made by the Council.

BILL—UNIVERSITY LANDS.

Received from the Legislative Assembly and read a first time.

BILL—TRAMWAYS PURCHASE.

Third Reading.

Debate resumed from the previous day.

Hon. A. G. JENKINS (Metropolitan): I just want to make a few remarks in reply to the statement made by Mr. Colebatch in referring to that portion of the select committee's report in which it is estimated that the profits for the year would be £48,000. The hon. member proceeded to say that these profits would not be £48,000 or anything like that amount. The select committee took evidence from certain witnesses and it appeared then that the profits of last year were £41,000. Those were the net profits. From that amount we deducted £4,000 representing the cost of London expenses and remittances which reduced the amount to £37,000. It was also given in evidence that the profit of last year exceeded the profit of the previous year by £11,000, and it was thought that the profit for the coming year would increase in the same ratio. The committee decided the question practically on that view of the matter because they had evidence both from Mr. Corbett and Mr. Weir who estimated the profits this year at £48,000, and based the figures regarding what they considered the city council's rights were worth on £48,000. I have had an opportunity of checking these figures to satisfy myself since the report of the committee was submitted, and I find that the profit for the present year is likely to be £52,000, which is £6,000 more than last year, and the select committee therefore were well within the mark when they estimated the

profit at £48,000. That ought to satisfy members that the figures quoted by Mr. Colebatch were not correct, and that the figures quoted by the select committee were correct.

Hon. R. J. LYNN (West): I have no desire to prolong this debate. Ample opportunity has been given to all to discuss the question from every standpoint. I merely desire to draw attention to one or two of Mr. Colebatch's remarks as to why this system should not be taken over. Mr. Jenkins has mentioned how the committee arrived at the surplus of £48,000, and I can confirm his statement. The receipts for this year show a surplus of £8,000 in excess of the previous year, and it is anticipated that the net surplus this year will be at least £50,000. A further remark made by the hon. member was that the concession, as being granted at the present juncture to the employees of that system, was likely to create a deficit in connection with the operating expenses. I desire to inform the House that for many months negotiations have been proceeding in the Eastern States between the Tramway Employees' Association and the various tramway systems, and the concessions conceded to the employees of the Perth tramway system to-day are only those which have already been agreed upon for the Fremantle municipal system. In arriving at that settlement with the Fremantle employees the concessions given were based on an agreement entered into by the Melbourne Tramway Company with their employees. I have no desire to prolong this discussion, but merely wish to assure members in regard to what Mr. Colebatch had to say respecting the financial aspect that the conditions conceded to the men are only in accordance with those of similar systems throughout Australia to-day.

The COLONIAL SECRETARY (in reply): The methods adopted by Mr. Colebatch in repeatedly returning to the charge after being severely repulsed time and again do not to my mind constitute a flattering compliment to the intelligence of members of this House. The question of the nationalisation of the Perth tramways has been before the Legislative Council since the 8th August. We had the second reading speech, and then we had the famous amendment of Mr. Colebatch that the Bill be read this day six months. He delivered a vehement address, but the amendment was defeated on the voices, and he had not the courage to call for a division. That was defeat number one. Mr. Kingsmill then moved for a select committee and was successful. Mr. Colebatch opposed the appointment of a select committee and delivered another vigorous address. The House was then unsympathetic, and he found himself in a minority. That was defeat number two. The committee met; they called a fairly large number of witnesses, and made a thorough investigation; they reported to this House; the Bill reached the Committee stage, and we then found Mr. Colebatch still militant. He delivered another lengthy address extending over sixteen columns of *Hansard*, sixteen columns of vigorous denunciation, but the whole of his attack was wasted; the House was against him, and that was defeat number three. The hon. gentleman again came forward for the fourth time, and endeavoured to defeat the measure on the third reading. He attempted this on Thursday last, when several members were absent who would have supported the Bill, the palpable object being to defeat the Bill on a catch vote, but fortunately I was able to secure an adjournment, and now an opportunity has been afforded for every member to be present, and if the Bill be defeated, it will be defeated on fair and honourable conditions. In speaking against the third reading, the hon. member fulminated violently, but to a large extent it was the same old thunder. He professed to make a few startling discoveries; but they were mostly mares' nests. He said the Government were taking over a concession the capitalisation of which was three-fourths water: I have been thinking over this for some days, and have been unable to follow the hon. member. The capitalisation of all companies of this class to a more or less extent is watered, but I would impress

upon members that we are not buying the liabilities of the company; we are not agreeing to pay off the debenture holders, and we are not purchasing the shares. It is immaterial whether the capitalisation is watered or not. The question we have to consider is whether this property is worth £475,000, that is the point at issue and not the ancestry of the company. The hon. member stated that on account of this excess of watering the people of Perth would have to pay high fares indefinitely. Mr. Colebatach has a very high opinion of the financial ability and businesslike qualities of the mayor of Perth, Mr. Molloy; indeed he made very invidious comparisons between the business ability of Mr. Molloy and that of the Colonial Treasurer. Mr. Molloy admitted, during the course of his evidence, that he tried to acquire the tramways for £450,000, and had it not been for the neglect of his council he would have been able to complete the deal. The price subsequently rose to £500,000, and Mr. Molloy was still trying to gather up the watered stock when Mr. Seaddan effected the present deal. What had Mr. Corbett to say with reference to the £475,000? On page 17 the evidence of Mr. James Corbett, city treasurer, is given. In reply to question 183 he said—

> Assuming it is open to the council to purchase just as the Government are doing, and at the same price, and estimating the gross profit of £48,000, less £15,000 for depreciation, and allowing four per cent. interest on the £475,000, a net profit of £14,000 a year could be shown. That £14,000 would be sufficient to pay interest at four per cent. on £350,000.

That £350,000, I presume, is the amount he wished the Government to pay to the city council. Question 184 states—

> By Hon. R. J. Lynn.—Is that your value of the system to-day?—The Government would be in the position of earning a profit of £14,000 if they took the trams over at £475,000. The council proposed to purchase the trams before the Government came in, and if they could have secured them at that amount they would have paid at that rate. That is the basis upon which I calculated.

Now coming back to Mr. Molloy he regards the tramways as a very great profit-making concern. On page 5 of the evidence, in reply to question 16, Mr. Molloy stated—

> Some people say, and I do not know whether it is true, that the company have not provided sufficiently for depreciation, but if they take that into account, it would as a commercial venture be a very valuable asset indeed and the present worth of that, roughly from what I can make out, would be £466,180, that is at the right of purchase in 1925, and £543,214 in 1939.

As a commercial venture the mayor stated that it would be a very valuable asset indeed. He differs from Mr. Corbett who valued the reversionary rights at £543,214. Mr. J. L. B. Weir, an expert accountant of considerable status in the City, expressed his opinion. He goes on to say—

> The purchase price offered by the Government is £475,000. Assuming that the city council purchase at that price, the profits for the present year, I am informed, are £48,000. Taking the system on that basis, and allowing £15,000 for depreciation, that would leave a net annual profit of £14,000 after paying four per cent. on the £475,000. If we assume that the profit is going to remain stationary and that the tramway system has reached its zenith, so far as profits are concerned, I estimate the reversionary interest of the Perth City Council on that basis would be £350,000. As against that view of it I have taken out a table from the reports of the Perth Tramway Company, showing the annual increase in profits for the last eight years. According to their experience over that time there has been a continual increase. Taking the initial profit in 1902, which was £20,592, we find that in 1903 the increase was £2,379; and 1904, £9,038; 1905, £11,449; 1906, £14,668; 1907, £10,585; 1908, £8,000; 1909, £9,569, and 1910

(the year of the strike), £6,110. The actual annual increase of profits for these years works out at 9¾ per cent. Of course I quite appreciate the fact that profits cannot go on increasing indefinitely. Profits of this system would increase somewhat abnormally for the first few years until a settled basis was reached, but if the population of Perth is going to increase, and the probabilities are in that direction, the profits of the tramway company can be expected to increase to a certain extent every year. Experience of the tramway company for the last eight years has shown an average rate of increase of 9¾ per cent. I have assumed for the sake of argument that the profits for the next ten years increase by 5 per cent. each year. Assuming they increase 5 per cent. every year, if they made a profit of £48,000 this year they would add £2,400 profit to that every year for ten years, and we assume that with such an increase the profits would then reach their zenith and there would be no further increase. I have made out a table to show you how this would work. They would make an annual profit of £58,800 instead of £48,000 as at present. If that profit were realised in perpetuity, and I do not think it is a large profit to expect the tramway company to earn, that is after providing interest on £475,000 and £15,000 depreciation, the cash value would be £620,000.

I am quoting this statement to show that the tramway company proposition is not a worthless thing as suggested by Mr. Colebatch. I have read what Mr. Weir states. He says nothing about the deleterious effect of watered stock which appears to be only a phantom of the imagination of Mr. Colebatch. The hon. member insinuated that we were buying an incubus which would sit on the chest of the State for all time. It must be recollected that the late Premier (Mr. Wilson) endorsed this purchase by the Government, and he stated publicly that he would have grasped the opportunity to purchase the concern for £475,000. When we recollect that Mr. Wilson is not only in opposition to the present Government, but is also leader of the Opposition, a statement like that coming from him is entitled to considerable weight. I cannot follow Mr. Colebatch in his devious wanderings. He branded the Government as confiscators out to rob the city council, but if half of what he said be correct, then the city council ought to thank heaven that the Government have come to their rescue and prevented them from securing this ruinous proposition. We are told that the purchase right, which is maturing in thirteen years, will limit the period in which the company can harass the citizens of Perth. The hon. member is under the impression that the council can take over at a valuation the plant and land, but there is a wide difference of opinion on that point. Mr. Pilkington is a lawyer of high repute in this State, and he has a very big reputation. This is what he says in regard to that question——

Hon. D. G. Gawler: He was not called, you know.

The COLONIAL SECRETARY: I do not know whether it is the practice of lawyers to write opinions to order.

Hon. J. D. Connolly: First read the question that was put to Mr. Pilkington.

The COLONIAL SECRETARY: There is no question here, but the statement explains the matter. He says—

> The chief question upon which I am asked to advise is whether the tramway company is entitled, upon the exercise of the rights of taking over its undertaking by the various local authorities, to be paid for the statutory rights and privileges which it at present enjoys. In my opinion this question must be answered in the affirmative. The words which appear in all the agreements are—"the whole of the lines, plant, rights, undertaking, land, and buildings of the promoter."

Hon. J. D. Connolly: In any case they can get over that by taking it in thirteen years.

The COLONIAL SECRETARY: Of course Mr. Connolly may hold a different opinion which is entitled to respect. It seems to me from this opinion not only would the city council at the end of

thirteen years have to purchase the plant and the line and the land, but would also have to purchase the rights and undertakings, and these rights have a currency of something like 14 years, and on the basis of the evidence given by Mr. Molloy before the select committee. I am certain the city council would have to pay the tramway company a considerable sum, and if they refused to fall into line and endeavoured to secure the trams without paying for the rights and privileges, well, it would run itself into a big lawsuit. We have had experience of this in connection with the gas company purchase, and we know that the city council was landed in a big sum of money. There were differences of opinion among lawyers then, and there are differences of opinion among lawyers now, so that the whole thing is a matter for serious thought. Mr. Colebatch said that the company made very little profit, and that until now they could only pay shareholders two and a half per cent. The answer to that is very simple indeed. The company have been paying interest on the debentures, and they have been redeeming the debentures, expending their profits on extensions and establishing a reserve fund. Since 1903, the debenture fund has grown to £47,392. The amount expended on extensions has been £27,625, and the reserve fund is now £18,500, and this year they paid a dividend of five per cent. A great deal of capital was made by the hon. member out of the alleged £48,000 profit. That matter has been clearly explained by Mr. Lynn and Mr. Jenkins. I never stated in the course of my previous address that the company was making a profit of £48,000 a year. I said that the gross surplus receipts over expenditure for last year amounted to £41,087. This should have been £40,892. I made a mistake there. I was out £195. The city treasurer, I discovered, in giving evidence, originated the £48,000 profit, but that had reference to the present year. The profits to the 31st August of this year were £6,071 in advance of those for the same period of last year. At the same ratio, this means that the profits this year, after deducting Perth expenses, will be £50,000. Mr. Colebatch pointed exultantly to the rise in the price of shares. The rise in the price of shares is easily explained. It is due to the increased profits of last year, the increase being £11,000, and the prospects for this year being even brighter. The preference shares have gone up, but that is owing to the rumour that the preference shareholders would participate in some of the surplus. For some years the preference shares have stood at 20s.; now they are 23s., in anticipation, as I have already said, of a share in the purchase money. The hon. member talked about spoils and plunder and opening the eyes of members. The whole thing is too ridiculous for words. The report of the company's meeting was published in the *West Australian* a few days ago, and there is nothing at all in that report to warrant the hysterical outburst on the part of Mr. Colebatch. Now he says that the tramway company, on the eve of parting with the property, are making concessions to their employees. This is an insinuation that they are trying to curry favour with the Labour party. There is no ground whatever for the innuendo, and it is another of Mr. Colebatch's empty bogeys. The increase was made to bring up the wages of the men to the level of the wages paid to the Fremantle tramway men, and the Fremantle tramway employees had their wages increased to make them in accord with those paid in the Eastern States, more particularly in Melbourne. It is a pity that Mr. Colebatch did not make more deeper investigations before letting himself loose in this way. We had more from that hon. gentleman. He said, "that there is confiscation of the city council's rights there can be on doubt, and we are giving them nothing whatever for the taking away of their valuable rights." In one breath the hon. member argues that the company cannot pay more than two and a half per cent., in fact that it is tottering on the verge of financial ruin, and in the next breath he insinuates that it is a little gold mine which the Government propose to thieve from the property owners of Perth. The "valuable rights" vanish into thin air if forty per cent. of the arguments of the hon. member are worthy of consideration. The position in this

House should be clear in connection with this question. The Bill came from another place and it came under unique circumstances. There was not one party alone behind it; both parties in the Legislative Assembly supported this measure. The second reading there was carried without a division, and that too in a House where the parties are divided on almost every other great question. In connection with this question, however, both parties presented a united front. There were some advocates for Perth rights, but there were no disputants as to the price. The Bill arrived here. It was submitted to a select committee which called evidence. That select committee reported, and the House endorsed its report in every detail. The House amended the Bill in accordance with the direction and advice of the select committee, and the amended Bill was forwarded to another place. The Assembly accepted the amendment and sent the Bill back, and then on the third reading of the Bill an attempt is made to destroy it on the evidence submitted by Mr. Colebatch the other evening, evidence which he said was new evidence, but which will not bear even the most superficial test. Mr. Colebatch asks members to alter their judgment and to go back on what has been done during the last seven weeks. It seems to me that is a very tall request. Events may occur to justify hon. members changing their minds should there be new developments or should something occur which might lead them to believe that some wrong has been done, or that they have acted erroneously, and any member is perfectly justified under such circumstances in changing his views. No such thing, however, I submit, has occurred in connection with this question. A few assertions have been made by Mr. Colebatch, and I have attempted this afternoon to answer them. It is for hon. members now to say whether I have dealt with the matter successfully or not. This House has a reputation to sustain. It is a deliberative assembly, and it should ponder well any course that it decides to take, and pause before coming to a conclusion. I do trust that before members decide to reject this Bill—I do not think they will reject it—they will consider all the possible consequences. It certainly will not redound to the credit of this House if, after adhering to the Bill for seven weeks and assisting it forward in every possible way, we reject it without good and sufficient reason. What would the outside world think, and what would the people of Western Australia think of this House? They would say that it was shifty, unstable, and unreliable. It matters not to the Government in a sense what the fate of the Bill may be. We can say, "We have striven to nationalise the tramways of Perth, but the Legislative Council threw out the measure. It is not our fault, but the fault of the Upper House." I would remind members, too, that this measure has been supported by both parties in the Legislative Assembly. It is not necessary that I should say any more. I believe the House is fully seized with its responsibility, and that it will send this amendment to keep company with the one rejected about six weeks ago.

Question put and passed.

Bill read a third time and *passed*.

BILL—INDUSTRIAL ARBITRATION.

Second Reading.

Debate resumed from the previous day.

Hon. J. F. CULLEN (South-East) : I understand that the House will be practically unanimous as to the second reading of this Bill, and that the debatable work will fall to the Committee. Therefore, I shall not touch on mere matters of amendments to clauses, but I would like to say a few words on the leading principle of the Bill, that is, the tribunal on which the whole utility of the measure must depend. In the first place, I would commend the moderate speech of the Honorary Minister in moving the second reading. In fact, if any fault is to be found with that address, it is as to its over-moderation, suggesting that the hon. member is not too enthusiastic about the Bill; and I am satisfied that he and I will differ very much on the remarks that I am about to make. I feel sure that he will like the main principle of this Bill as little as I do. Now, I hold that the saving feature of the

present Act is the president of the court. He must be a judge of the Supreme Court and the whole country has confidence in the integrity, impartiality, and ability of our Supreme Court judges. I do not think that any party attaches much value to the rest of the court, because whatever value either lay member may have is practically nullified and discounted by the influence exerted by the other lay member. These two lay members practically cancel each other, and really add very little to the public confidence in the tribunal. The new Bill was heralded with a great deal of rant outside of this House. It was to be an "instrument of peace," something decidedly humanitarian, and far above all early conceptions of a tribunal in the industrial world. But what is the main change which the new Bill makes? It is said that the main change is the sweeping away of technicalities; but what do we find? The only technicality really swept away is the judge, the saving feature of the present law. And yet the Bill is heralded as an instrument of peace, on the supposition, I take it, that if we have an entirely one-sided court its business will be short and it will suggest to disputants the futility of ever going to the court again. I can quite understand that if a one-sided partisan tribunal is established, one side to every dispute will keep away from the court if it can manage to do so. That party would say "It is useless to go there; better any ills than go to the court." In that way the court might end disputes, but I think it would threaten the industries of the country. Possibly champions of the Bill will say that I have no right to assume that the appointment of a partisan president is intended. The new Bill provides that the president shall be appointed by the Governor in Council, that is, by the Government of the day. With every disposition to attribute the highest motives and the soundest judgment to Ministers of the day, will any rational man have the courage to believe that the Ministry would appoint someone who would commend himself to the confidence of the employers than would a judge of the Supreme Court? I cannot believe that any Minister would assert that. Very well, if the Ministry want an entirely impartial president can they do better than appoint a judge of the Supreme Court? If they do not want someone who will commend himself entirely to the employers, and they are doing away with the impartial president, whom would they be likely to appoint? It is impossible to believe that they could avoid partisanship in that appointment. So far as this Bill has gone, there is this remarkable history, that every amendment brought forward from one side has been welcomed, every alteration suggested by the unions outside has been welcomed and placed in the Bill; but every amendment proposed from the other side has been voted down by a solid party vote. What ground of hope is there for the fairest-minded man in this House that if the new tribunal is accepted by this House, the Government will appoint anybody but a partisan to that position?

Hon. J. E. Dodd (Honorary Minister): Do you refer to the amendments made in another place?

Hon. J. F. CULLEN: I refer to the amendments already made in the Bill. At its first introduction, the Bill was prepared in the light of Ministerial knowledge of the Labour party's wishes, and when on behalf of the party amendments were brought forward they were admitted. I ask members with every disposition to think the best, can any rational man believe that the Government of the day in filling the presidentship of this tribunal could get away from a partisan appointment? Is it likely? Very well. Can this Bill then be looked upon as an instrument of peace? Need Ministers wonder if hon. members who have followed the history of the Arbitration Court and who really want an instrument of peace, are dubious about allowing the Ministry of the day to appoint a man who they know would be acceptable to their supporters?

Hon. J. E. Dodd (Honorary Minister): Would not your argument apply just the same to the appointment of a judge?

Hon. J. F. CULLEN: No, because judges have received very high appointments and are above any partisan consideration. Always the Government select the outstanding member of the bar, recognised by the public as the man for the position, and no Government dare do otherwise.

Hon. J. E. Dodd (Honorary Minister): Suppose the Government appoint a legal practitioner as president of the Arbitration Court, would not your argument apply just the same?

Hon. J. F. CULLEN: No. That would be a spcial appointment to this court, and would be made in accordance with the colour of the Government of the day. Furthermore, it would be no saving clause at all to say that the Government might appoint any legal gentleman to this position, because there may be members of the legal profession who are bitter partisans, and at a salary of £1,000 per annum is it likely that a man of weight and independence of judgment would be available for the position? It is not likely at all. Whereas if the Bill provides that the Government must go to the Supreme Court bench as all of the judges' appointments have been made apart from political consideration, made because the appointee was the outstanding member of the profession when the vacancy arose, and as I said before no Government dared to fill the Supreme Court judgeship on any rule but that of appointing the leading member of the bar at the time the vacancy occurs—any Government that departed from that would have a bad time. I have never heard of a Government departing from that rule in any State. The Supreme Court is looked to with such sacredness that no Government would dare to allow partisanship to enter into the appointments. The present law provides that the position should be filled from the Supreme Court bench as it exists. and the whole country is conversant with the impartiality and the ability of the judges of the Supreme Court. But is it possible for the members of this House, no matter how disposed they may be to put the best construction on everything, is it possible for them to believe the Government of the day, in filling this position, not exceeding £1,000, would go beyond a man whom they knew would be grateful to their own supporters?

Hon. F. Davis: If the Government appointed a judge to-morrow they would say he would be a partisan.

Hon. J. F. CULLEN: "They say." The people who would say that would not be considered at all. I as a member of this House am not going to allow this high appointment to be made on party grounds. That is one feature of the proposed new tribunal. The next feature is even worse. The Bill proposes that this tribunal shall be composed of three laymen. two on one side and one on the other, and of course if this Ministry went out of office and another Ministry came in, and the occasion arose for making another appointment, there would be the same liability for the new Ministry to please their friends and appoint a partisan on its side. This court of two laymen on one side and one on the other is to be made an absolutely free and easy tribunal a kind of back-woods-American-go-as-you-please. They are not to be bound by any rules of court; they are not to be bound by any rules of evidence. I can understand an ignorant man saying. "Yes that is a good idea, we will have three men and they will make the law as they go along, make their own rules; they will be a law unto themselves; they will not be a court but a little legislative body making the law as they go along, and applying it." I can understand the ignorant man taking that view but how is one to understand a responsible Ministry taking that view? Suppose we said in this House these rules of debate are very hampering we will go as we please. Instead of simplifying debate and saving time, every hon. member knows that we would plunge the House into chaos. Time would be wasted and the debates would become inefficient. I submit the proposal in the Bill is to degrade this tribunal from its status as a court to a kind of American-back-woods-go-as-you-please; no rules of court; no rules of evidence. Just imagine the court constituted of

three laymen, two on one side and one on the other, and the two men fighting on the one side against one on the other. At present we have one man fighting on one side and one on the other, and an impartial judge holding the scales of justice between the two. But just imagine another court having two men on one side and one on the other with no rules of court and no rules of evidence, and they would be helped by a number of bush lawyers. I am not prepared to say the legal profession includes nobody who is not the pink of honour, but I am prepared to say this, that if there is a member of the legal profession not sufficiently bound by a sense of the honour of his profession, he is restricted by the rules of court and he dare not go beyond those rules of court, and there is that safeguard for a decent and honourable administration of justice. But when you imagine this free and easy court, with their crew of bush lawyers, and a bush lawyer is the most dangerous man on earth, a bloodsucker always, a time-waster always, one cannot but be amazed at the dream of taking away the technicalities and rules of court. What is the history of the bush lawyer in the Arbitration Court? First of all, he blunders his citation, then he comes and wastes the time in arguing that that ought not to matter, and that because he has cited a dispute, the court ought to waive every technicality and let him go on. After wasting his client's money and the time of the court, and the judge has to rule that the citation is bad, then there is an ignorant outcry that we should sweep away technicalities. We want to sweep away the bush lawyers first of all and then sweep away the clauses of this Bill that tend to degrade the court by leaving out the judge and putting in a partisan. There is no doubt this House will have to do as it did when the previous Bill was before it. It will have to insist that the president shall be a judge of the Supreme Court. I will not notice mere details beyond calling attention to the two points on which the deadlock arose, or on which it pleased the Government to make a deadlock when the Bill was last before us. These two points have been put back in the Bill. The Bill proposes to give the court further power after it has dealt with all the legitimate matters that may be in dispute between the two sides before the court, such as wages, hours of labour, and general conditions, to come in and make any rule that it thinks fit. I want to point out that what may be very amusing and great fun to the eight-hours-a-day worker, may be very harassing and hampering to the unfortunate employer who, after the eight hours are over, has to carry night and day the responsibility of finding the wages ordered by the courts, and fulfilling all the conditions—some of them necessary, some absolutely unnecessary—that the court chooses to order. It may be very amusing to the agitator, and great fun, to go to the courts and have them always busy. It may be a matter of death to many an employer's business. I say do not hamper the employer any more than you can help, and get away from the ignorant notion that what hampers the employer and makes it hard for him must in some way benefit his employees.

Hon. J. Cornell: Not many have died of the complaint.

Hon. J. F. CULLEN: Many have died.

Hon. J. Cornell: Not from your complaint.

Hon. J. F. CULLEN: And many are in extremes to-day largely through hampering conditions imposed at the instance of the political agitator. The other point that is valued in the Bill is this: the Bill gives the court power to enter into a business and classify and grade the individual employees in that business; a monstrous proposal. Any business man must see that. It would be very serious to his business. For instance, here is a little business, and we will say Bill Smith is drawing the highest pay. The employer who knows his men says, "Bill Smith is my best man, I regard him as my foreman and pay him my highest wage"; but the court can say, "Tom Jones is a better man than Bill Smith," and the court orders you to pay Tom Jones your highest wage; and so on through all the employees of that business. That is what is meant by classifying and grading the em-

ployees of a business. The thing is monstrous. There is no objection to the court attaching a certain wage to a certain position, but to allow the court, which knows very little about the details of the business, to come between the employer and his men and exercise judgment for him as to who are the best and who are the least worthy of high pay, the thing would be absurd. When the Bill goes into Committee there is a number of amendments referred to by Mr. Moss, which I shall certainly feel it my duty to support. I shall not detain the House by touching the ground that he has so ably covered, but I hope members will not allow the fact that this is the second time of asking them, to lead them to give up matters of principle, matters that affect the life and death of a business. No doubt the House will be considerate, but in matters of principle, and especially as to the constitution of the court, I am satisfied that this House will stand firm.

Hon. D. G. GAWLER (Metropolitan-Suburban): This Bill has been productive of some interesting speeches, and not the least interesting speech we have had was that delivered by the Honorary Minister in introducing the measure. The speech which the Honorary Minister delivered was worthy of the well-known character which he bears in the labour ranks, and I think the speech with which the Bill was introduced will go a long way towards commending the measure to the House. The chief thing that struck me throughout the speech of the Honorary Minister was rather the note of hopelessness referred to by previous speakers. I do not think the Honorary Minister felt altogether hopeful, firstly, as to whether strikes would ever come to an end, and, secondly, whether in itself the measure before the House would assist in doing that. The Honorary Minister attributed the strikes that had taken place very largely to the workers' dislike of the Act, and to their being unwilling to take advantage of it. I do not think that is so. I think we all know from the strikes that have taken place that the technicalities of the Act and the difficulties under the Act to which the hon. member has referred had nothing to do with the workers' not taking advantage of the Act. To my mind the workers do not believe in compulsory arbitration. At any rate a large number of them do not, in support of which, if we look at the figures of the workers included under agreements and under awards we find that the number of workers under agreements is 16,836, there are only 2,848 under awards. I think that goes to show that the workers prefer agreements outside to going to the court for awards.

Hon. J. E. Dodd (Honorary Minister): Those figures apply only to unionists. There is a large number of workers other than unionists under awards as well.

Hon. D. G. GAWLER: I do not think that detracts from what I say. There is a very small proportion of workers, whether unionists or not, working under awards of the court as compared with those working under agreements.

Hon. J. Cornell: The present Arbitration Act has made agreeements possible.

Hon. D. G. GAWLER: I quite admit it, but the agreements are the result of conciliation between men and their employers. The only other way to obtain settlement of a dispute is by means of compulsion. I also contend that what has transpired during the last twelve or eighteen months has shown that the Government themselves do not altogether agree with compulsory arbitration. We have had three prominent strikes during the last twelve months, and I think that I am right in saying that they have been strikes against awards. The engineers' strike at Midland, the aerated water workers' strike, and the lumpers' strike are the cases referred to. The engineers refused to go to arbitration, and what did we find? The Government appointed a special conciliation board for these men. The aerated water employees refused to go to arbitration: what did we find? The Honorary Minister, to his credit, offered to mediate between them and the employers. The lumpers' strike was a direct breach of an agreement. It was settled by a board proposed by the

Government with a chairman appointed by the Government themselves. I submit that it all shows the Government do not believe in their own Act. If they do, was it not their duty to say to these men "There is an Act on the statute-book for the settlement of your disputes; why do you not go to arbitration?"

Hon. F. Davis: The engineers could not go to the court.

Hon. D. G. GAWLER: I am not quite aware that in all these cases it was possible for them to go to the court, and I will give the hon. member that the engineers could not go, but there is no doubt with regard to the other two cases, and I say—is it to be wondered at in these circumstances that the workers do refuse to go to arbitration when they find that the Government, with an Act on the statute-book, practically refuse to recognise it? There is another point in this connection in regard to the duties of the registrar under the Act. The registrar is there for the purpose of protecting the public; I take it he is there to act as a non-party man; and among his other duties he has to inquire into any industrial trouble that takes place. Under Mr. Connolly's regime there was a minute issued by Mr. Connolly in July, 1910, in which he instructed the registrar that when any industrial dispute was brought to his notice he was to go to the Crown Law authorities and inquire whether or not a prosecution would lie, and if so, he was to take the necessary steps. Now I asked the Honorary Minister a question the other day with regard to this, 1, whether that instruction was still in force; 2, if not, why not; and 3, whether any instructions had since been given to the registrar in this connection. The reply was—

> 1, No. 2, It is considered that under the existing law no good purpose is served by making inquiries with a view to a prosecution. 3, Yes, to the effect that inquiries are not to be made unless instructions are given by the Minister.

I particularly refer hon. members to the reply to my third question. I venture to submit that Mr. Connolly's instructions were the only honourable instructions that could have been given under the Act. He said to the registrar, "Do not come to me if you hear of anything, but, if advised, prosecute." The present position is that no inquiries are to be made unless instructions are given by the Minister. I venture to say it is taking away the character the registrar should bear under the Act. I cannot understand the second reply, where it is said it is considered that under the existing law no good purpose is served by making inquiries with a view to a prosecution. Whether this is because the strike provisions of the Act are inoperative I cannot say. At any rate I venture to say that it confirms what I have already said about the Government going over the heads of their own Act, and it tends to discredit the Act in the eyes of the workers. I venture to think that compulsory arbitration is a failure. I have said it before in the House; and I have not seen any necessity to alter my opinion. I think it is a failure for several reasons; one of them is that it is economically a failure, and it is bound to be economically a failure. I do not think we can stop economic progress or affect economic laws by legislation any more than we can stop the waves of the sea. It seems to me that many considerations may decide what wages are to be paid and the relationship between employers and their workers. There may be many economic causes for that. For instance, a change in the fiscal policy of the country may do it, a great commercial failure may do it, or a drought; and we had the instance not long ago occurring, an economic cause which cannot be stemmed by legislation, that is, the increased cost of living. That will interfere with any legislation. It has been brought up over and over again that wages must be regulated because of the increased cost of living. How can we deal with that by legislation? I submit it is impossible. Then we have a clause in the Bill which seems to show that the same idea occurs to the Government. It was in the last Bill also. It is a clause providing that at any time under certain

conditions the worker or the employer may go to the court and ask for an award to be varied. Why? Because conditions change. If that is the case one is inclined to ask the question, "Why make an award at all?" How can we make an award for a given period when conditions may change and we may have to go to the court to ask for the award to be varied. This is a complete answer to the theory that it is necessary by legislation to regulate the conditions and rates of wages between employers and employees. Mr. Justice Burnside made a very apt remark the other day that we should be called upon soon to fix the price of goods. Why not? If the consumer is to be protected on the one side by the fixing of prices of goods, on the other hand the worker is protected by fixing the price of his wages. Why it should not be just as right in the interests of the consumer to fix the price of goods as it is in the interests of the worker to fix the price of wages, I do not know. But it would be absolutely absurd to attempt to fix the price of goods. I believe so far back as the middle ages an attempt was made by law to fix the price of goods. What was the result? The law was repealed after twelve months, and the reason stated in history is that the vendor of the goods sold the cheapest and nastiest he could possibly sell, and what the purchaser gained in the reduction of the price he lost in the quality of the goods. One is tempted to ask on what principle are awards made by the court? From my knowledge of the conditions and policy at the time the Act was introduced originally, the idea was to take into consideration the capability of the industry to pay certain wages. I think that if we do not take that into consideration away must go our industries and away must go our prosperity and progress. It appears to me that the idea now is to fix the worker's wages according to the needs of the worker. I quite agree that largely the needs of the worker should be taken into consideration, and I think every one of us is largely in sympathy with the idea of a living wage. Of course, under the Act the provision is that the worker shall get a minimum wage, but in addition to the minimum wage, as Mr. Cornell has told us over and over again, the worker asks for just as much more as he can get. No doubt it is right from his own point of view, but the question is where that will stop; and unless the court has some guiding principle on which to work in fixing wages, does it not seem a loose sort of tribunal or a loose sort of idea to act on? If the court lays it down that wages are to form a certain proportion of the profits of the industry, one can understand it though one does not agree with it. Then of course the reply is—what about the losses? If a man is to share in the profits surely he ought to share in the losses. It is not right for the worker to share in the profits and not be a sharer in the losses. That is what profit-sharing means. Of course we all know that in times of depression the workers ask all the more.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. D. G. GAWLER: Before tea, I was speaking on the question of the increase in wages. I think I am right in saying that the commission which sat in New Zealand came to the conclusion that, although the cost of living had increased, wages also had increased in equal, if not greater, proportion. It is rather a peculiar fact, so far as I can gather from the details which are given in the statistics, that the Savings Bank increases up to the 30th June of last year were in advance of those for the previous year. What the increases are up to the present time I am not in a position to state, but they represented an increase of £1 15s. per head last year over the figures of the preceding year. while the savings of the children depositors also increased. I mention this to show that, although the workers may say that the cost of living has increased, still all the circumstances point to the fact that they are not so badly off after all. Without any disrespect to the working men it might be asked, who, at the present time, do we see on holidays crowding all the holiday trains and the places of amuse-

ment? Is it not the working men? I do not deny them this privilege. In fact, I am glad to see them enjoying themselves, but to my mind amusements of that sort are indulged in to a far greater extent than are those of the so-called upper classes. There is very little of what we might call necessity to be seen in this State, at all events during the holiday season. After discussing the matter to the extent I have done, I come back to what Mr. Cornell referred to when he said the workers will keep on asking for more, no matter what they might get. The question therefore occurs to us, when will they be satisfied? Mr. Cornell's idea, of course, does not stop short of socialism, so there is every reason for his putting it as he has done. I would like to refer shortly to the unusual character of this tribunal which has been set up by this Bill for the settlement of disputes. Does not the Bill have a far-reaching effect, and is that far-reaching effect not seen in the difficulty of compelling the men to accept an arbitrary value for their labour, and that a value fixed by one man without any possible qualification for the office? Is it not natural that the worker should have great difficulty in agreeing with the awards in many instances? Is it not natural that the worker will object to a value being placed on his labour, and that his ideas of law and order will be considerably strained when he is told that it is an offence to disagree with the value others place on his labour? I very largely sympathise with the working man under these conditions. It all shows the difficulty of compelling men to accept the decision of this court which we have set up. I have often referred to this aspect of it, too, namely, that the whole design of these courts seems to be to create antagonism from first to last between the employers and the workers. A dispute has to be very largely manufactured before the machinery of the court is put in motion. When the parties come into court, they sit practically at arm's length from one another. The proceedings partake largely of some of the litigious proceedings of our courts of justice. There is cross-examination of witnesses, and a good deal of acrimony is manifested, and after the decision is given one side or the other is bound to be dissatisfied, and very often that dissatisfaction is carried into the workshop. It is useful at times to see ourselves as others see us. I would like to show hon. members what is being thought of this principle of compulsory arbitration, not only in England but in the other States. Addressing the British Association at Dundee on September 7th, Mr. Ramsay Macdonald, the leader of the Labour party, made this statement—

> The Australian experience showed that so long as the people who control commodities could raise prices increased wages would be of little value. He advised the union to abstain from compulsory arbitration, and he said he believed the imposition of fines was the only method of enforcing awards. It would be impossible to get fines from unorganised labour.

On the same occasion Dr. Barrett, of Melbourne, declared that the industrial legislation in force in Australia did not prevent strikes. He urged the members of the Association to go to Australia in 1914 in order to find enlightenment for the settling of social difficulties. At the Trades Union Congress at Newport on September 5th, Mr. Ben Tillett's resolution proposing an inquiry into the Government's powers of prospective action in connection with compulsory arbitration was rejected. The opponents of the resolution, we are told, feared that its adoption might be interpreted as an acceptance of the principle of compulsion. On the 5th of March of this year, in London, Mr. W. E. Harvey, Labour representative, stated that he would always fight against compulsory arbitration, which had absolutely failed in Australia. Dealing with these remarks, Mr. T. Waddell, ex-Premier of New South Wales, in a letter to the London *Times* commented upon that statement in these terms—

> Mr. Harvey has told the naked truth. Human ingenuity never devised a fairer tribunal than the wages board, and yet nearly all the larger unions have flouted the law. Anyone is blind if he believes that arbitration has been otherwise than a gigantic failure in

> Australia. The arbitration legislation will be scattered like chaff if a depression comes. The most hopeful indication is the growing public feeling against tyrannous unionism.

In Melbourne, Mr. King O'Malley echoed the remarks made by Mr. Griffiths, the Minister for Works in New South Wales, who attributed the losses of the Labour party of late to the Brisbane and other strikes. Mr. O'Malley said—

> The workers must decide which they preferred—strikes, wages boards, or the Arbitration Court. They must be prepared, whichever course they adopted, to make war with that alone against the serried ranks of the capitalists. Strikes meant economic waste, and should not be resorted to.

We have no less a gentleman than Mr. Fisher, the Prime Minister, giving utterance on March 3rd last to these sentiments on wages boards. He is reported in these terms—

> Alluding yesterday to the coal strike, the Prime Minister (Mr. Fisher) expressed his belief in the efficacy of wages boards as an adjunct to arbitration. He said that local disputes could best be determined by wages boards. "I understand," he added, "that the claim is for a minimum rate for an honest day's work, the rate varying according to locality. In my opinion, no coal miner should be asked to work for less than 7s. a day. I do not know of any industry in which a man can destroy himself quicker than in that of coal mines. In his younger years a man may by the most strenuous exertion earn a fairly decent wage, but he is old before his years, and this eating up of young manhood is neither good for the man himself nor for his country."

I submit these extracts show, whatever we may think about compulsory arbitration, that right up to date in England they do not believe it has been a success out here. Clearly a very influential body of opinion in England is against it. They have never yet attempted to introduce compulsory arbitration in England.

Hon. J. E. Dodd (Honorary Minister): They always have been against it, but now they are coming round.

Hon. D. G. GAWLER: They are against it still. I quote a remark by Mr. Knibbs in his latest *Year Book*. He says that the popularity of wages boards is shown by the increasing number of unions desirous of coming under them. Every State, I believe, in the Commonwealth, except Western Australia, has wages boards. Of course, it might be said, "Well, suppose that is the case; if you say compulsory arbitration is no good, and that people are not prepared to introduce wages boards, what is the alternative?" To my mind, if we went back to the days before this Act was introduced, and allowed things to go on as they then did, with the additional information and education we have at present, public opinion would do the rest. It might be well if we could go back to the old days when strikes were legal.

Hon. F. Davis: You would be very sorry if you did.

Hon. D. G. GAWLER: Why? We have now this position, that strikes are declared illegal, and yet they take place. Surely that is demoralising to the community. For any man to know he is allowed to break the law as he pleases is demoralising to any community. It breeds a contempt for any law on the statute book. That is what I object to in the present legislation. If it were possible to introduce methods by which we could prevent strikes taking place, there would be some reason in the legislation.

Hon. J. E. Dodd (Honorary Minister): We have never attempted to give the system a fair trial.

Hon. D. G. GAWLER: The only way in which the Act can be effectively amended is by making the penalty against strikes more stringent. That is what should have been done. I have endeavoured to quote instances to show that the Government themselves have known that these strikes were taking place and have condoned them, I do not say corruptly condoned them, but they have allowed the strikes to take place, and their instructions to the registrar are not to

make inquiries into disputes without coming to them first.

Hon. J. E. Dodd (Honorary Minister): The Act is obsolete.

Hon. D. G. GAWLER: Not in regard to the penal clauses. A strike is a strike just as it was in 1902. The provision says that, if a man strikes, he is to be prosecuted; but that is never done. It really looks as if it were not expedient to prosecute. Is it any wonder under these circumstances that a worker disregards the law? Compulsory arbitration which involves, of course, the compulsory observance of awards, is impossible while the unions refuse to give up the right to strike; otherwise the whole foundation for the existing Act disappears. I can remember when Mr. Cartwright who was secretary of the railway men's union at Fremantle when this measure was finally passed, proposed the health of the Railway Commissioner and almost the first words he uttered were that he was thankful, and hoped the whole of the members present were thankful, that the barbarous strike would now disappear. I can remember that distinctly. That Act was given as a bargain between the union and employers. The union asked for recognition and collective bargaining and said they would give up the right to strike If that was the original conception of the Act, has it been carried out? It cannot be said to have been carried out. Under the Act ample provisions are made for the unions to prevent strikes. There is a provision that unions shall provide in their rules against strikes and the expenditure of their funds on strikes, and the registration of a union can be cancelled if the rules are not observed. We have had instances of rules being broken over and over again, but have we ever had an instance of the registrar applying to the court for the cancellation of a union on these grounds? The union under the Act may take up a worker's case against the employer and obtain an award and enter into an agreement, and the union is recognised as acting for the worker. Why, therefore, should they not take the liability for the worker's proper observance of the awards and agreements and control him? That was my reason for proposing an amendment to the measure last session making union funds liable for strikes. If they get the benefits of the award why should not they see that the workers carry out the award? Mr. Dodd said it might be possible for one member to involve the union in proceedings because he had struck work. Not long ago a motion was carried by the council of the Australian Labour Federation "That affiliated societies before taking any decisive steps in an industrial dispute must first report to the executive of the federation in order that the matter may be put before the council. In the event of failure to do so no support, moral or financial, would be accorded by the federation." They said they could not prevent a body of men from striking but would deny financial assistance from the council if they did not first receive the concurrence of the council. That was a very wise provision, and if that were caried into effect it would be possible for the council to hold complete control over the members of the union. Is it to be supposed that if the members of a union knew that their funds would be attached for a breach of an award they would not take good care that no man struck? They would soon teach a man who did strike, as we know they do in other instances, that they would not have their funds attached on account of him. The whole control of these matters, it seems to me, is in the hands of the unions. There is the matter of the constitution of the court, and I am not going to touch on it at any length. My idea has always been that the man at the head of affairs in that court should have technical knowledge. Several speakers have urged that the decision of the court is a decision of one man, and that the two men who sit with the president might as well be in the body of the court, that it is the president who has to decide between the two, and that the two men who sit with him are really advocates. I submit that Mr. O'Malley's suggestion as to the settlement of disputes could be very well carried out by men sitting around a

table and discussing the matter in an amicable way. If we are to have a court I entirely disagree with the proposal that the president should be a layman. I uphold the proposition that he should be a judge of the Supreme Court. I am not going to labour that point; it has been commented on by several speakers. It has been suggested that a judge of the Supreme Court is not a fit man for the position, but what about Mr. Justice Isaacs, who is a judge of the Federal High Court and judge of the Commonwealth Arbitration Court? The workers have every confidence in him; there is no suggestion that he is unfit for the position, and surely the same argument applies to our own State. I object to this court because, as Mr. Cullen pointed out, he really took the words out of my mouth —this Act is setting up a small legislature and not a court at all. In fact some provisions go so far as to enable the president to override statutes already in force. He might disregard the provisions of the Health Act, or some other statute and say that men should not have to work unless so many cubic feet of air space is provided for them, or he might prescribe conditions of work and impose hardships on the employers. That is going beyond the functions of an arbitration court which are to settle disputes between the employer and employee and it is putting too much power in the hands of the president. The president should be a man of absolute impartiality. Another question is that of the definition of "industry." An attempt is being made in the present Bill to meet the situation created by the shop assistants' dispute. This position has been set up in regard to the shop assistants, and they by no means to my mind carry out the idea of an industry; still they are to be permitted to bring the employers to court although they may bring an employer before the court whose workers have absolutely no dispute with him. Those who know nothing of his affairs and have nothing to do with his establishment can bring him before the court in the guise of a so-called dispute. That is a complete change in the original meaning of the word "industry." I would like members to note some remarks made by Mr Justice Isaacs in a case not long since. He said—

> In the Jumbunna case, I expressed an opinion—though not a final one—that the Parliamentary use of "industry" in the Commonwealth Act was narrower than the Constitution required, and I there stated that it had reference to the business in which the employer was engaged as well as the employee. Fuller consideration, now that the point has become essential, has confirmed me in my former opinion, and I shall more explicitly state the reasons for my conclusions. The keynote of the Act is the prevention or the quelling of industrial strife which threatens or produces an interruption of industrial operations by which the wants of the community are satisfied. The public welfare is always the end in view. If the industrial operations necessary, for instance, to produce or distribute the means of satisfying the requirements of the people of Australia, are in fact, or likely to be, interrupted by a dispute between those who are co-operators in those industrial operations —that is, both employers and employees —then that dispute—with a certain qualification which is material—is in obedience to the statute to be prevented or settled. These industrial operations are in common parlance called "Industries," and each of them is an "industry."

Mr. Justice Isaacs to my mind rightly indicated the fundamental principle of the Act. It is an industry in which the disputants are co-operated. Mr. Justice Barton, in speaking on the same thing and discussing how the word "vocation" could by any stretch of imagination be called an industry—I may say this is amended by the Act of 1911—said—

> Such expressions as those quoted from Sections 7, 38, and 41 could scarcely be used in relation to a number of sections of persons performing work of only one sub-division or class in scores of hundreds of concerns, not merely widely separated but widely differing in nature as well as in name,

> carried on by many employers between whose business no identity, nor any resemblance, nor indeed the slenderest tie of common interest exist. How can a number of employers thus diverse and unlike in their aims combine to any purpose for mutual protection in the absence of the common interest which is the very motive of defence? How could conciliation or arbitration operate in the full measure contemplated by the Act under such conditions?

He there says that it is impossible, where the relations of employer and employee do not come together, that a dispute can exist, and it is, therefore, impossible that the provisions of the Act with regard to "industry" can come in. The Commonwealth Arbitration Act has lately been extended in order to cover this. This Bill is based on the Commonwealth law, but it goes further for the benefit of the shop assistants and by the insertion of a little provision it allows groups of kindred businesses to register though they may not be related to the same industry. Obviously the intention is to allow the shop assistants to bring their case before the court. The injustice of allowing them to do that is this: it is a misuse of the English language to say that "industry" can include a vocation of that sort. It is a straining of the word which is introduced into this Bill for the purpose of the Shop Assistants' Union. It is a misuse of the term. Is it possible to conceive that a vocation of that sort can be called an industry? They might create a dispute between employers and employees; the workers of one employer might not wish to create a dispute, but the dispute might be created by the rest of the shop assistants. The shop assistants, for the sake of argument, comprising all sorts of different trades, may call on a softgoodsman to appear before the court at the bidding of the shop assistants as a whole. What interests in common have butchers, ironmongers, and softgoodsmen, for example?

Hon. J. E. Dodd (Honorary Minister): Surely all the employees in places like Foy & Gibson's have interests in common?

Hon. D. G. GAWLER: Yes, but the Minister does not restrict it to that. He will allow butchers to have a say in a dispute between the assistants, say, of Foy & Gibson. If a dispute could only exist between Foy & Gibson's and their employees and no outside influence was allowed to come in then I should say that would be a dispute in an industry.

Hon. J. D. Connolly: Foy & Gibson's as well as being shopkeepers may be employing cabinet-makers and girls in making hats.

Hon. D. G. GAWLER: At the same time there would not be an injustice done to a firm like Foy & Gibson's such as would be done by the provision in this Bill which would make Foy & Gibson's employees organise with other shopkeepers in Western Australia. That kind of thing would be an injustice to the employers. My friend is quoting an extreme case when he refers to Foy & Gibson. This hits many other industries. Take the butchering industry; there would be very few in that except those ordinarily employed in connection with butchering. It would be very different from an establishment like Foy & Gibson's, which would be an extreme case.

Hon. J. E. Dodd (Honorary Minister): The interests of the assistants at Foy & Gibson's are identical with the interests of the employees of Brennan Bros.

Hon. D. G. GAWLER: That may be; then let Brennan Bros. have a dispute with their own employees and Foy & Gibson with theirs. I do not think the hon. member sees the possible extreme ramifications of this provision. If the spirit of the measure is followed out and carefully gone into I think it will be seen that it will be impossible to carry out this particular portion of the Bill. There are other clauses to which I might have referred and which are against the idea of industry as introduced by this provision. With regard to the amalgamation of the industries as was exemplified in the building trades resolutions the other day, this might be of exceeding advantage not only to the employer but to the employee, but I say keep it outside the Act. If this is done,

it will be of advantage for the reason that it may assist considerably in preventing disputes. Where they are amalgamating, the central body might say, "You people should not go on strike until you refer the matter to us; we are all interested in this, and it may threaten the livelihood of other sections of the workers besides yourselves, and if you do strike we shall not supply you with funds." There, of course, amalgamation of bodies might have a beneficial effect, but that can only be done outside the present provisions of the measure.

Hon. J. E. Dodd (Honorary Minister): The trouble at Kalgoorlie to-day is owing to sectional unionism.

Hon. D. G. GAWLER: Yes, but there you have an industry, the mining industry. In the Chamber of Mines you have not Foy & Gibson's, or the butchers, you have one body of men whose interests are identical.

Hon. J. E. Dodd (Honorary Minister): But you quoted the building industry.

Hon. D. G. GAWLER: Yes, that is in order that all builders may conveniently combine for the protection of their interests. I was alluding particularly to the shop assistants' union, which stands on quite a different footing. I would like to refer briefly to the very important question of preference to unionists. This principle is only permissive. The court may order or direct preference to unionists, other things being equal.

Hon. J. D. Connolly: Other things would not always be equal.

Hon. D. G. GAWLER: I question, if the matter gets into the hands of a partisan president of the court whether other things would be equal; it is an immensely wide term. There are amongst employers those who say that preference will not be a bad thing, that in fact it may be good; some of them believe that outside the unions there are a good many sensible men who if they get into a union would make things different. The avowed object of preference to unionists is undoubtedly to force all workers into unions; that is, no doubt, right from their point of view, but it binds them to one brand of politics and one brand of politicians. However, if you allow them freedom in regard to this, there may be some justification for the provision. It is my intention to submit an amendment to this clause when the Bill reaches the committee stage, to the effect that the funds, industrial and political, be kept separately, and that no man is to be bound to contribute to these funds, and I shall ask hon. members to assist me to carry this amendment. It will simply allow freedom to every worker with regard to this question.

Hon. J. D. Connolly: The amendment will not have the least effect.

Hon. D. G. GAWLER: On this question of preference to unionists we are faced with the fact that the unions have some turbulent spirits amongst them who manifest anything but cordial feelings, or I might say feelings of humanity, to those who will not join the unions. I have here a notice which appeared in the *Daily News* the other day. It is stated to have been handed to that newspaper by Mr. McCallum, who received a copy of this remarkable circular in connection with what is called the "staring" campaign at present being carried on in London. This seems to have appealed to Mr. McCallum, who handed it to the paper. It reads—

> To the men of the port of London!—If you want to see blacklegs who have taken your places you can have the opportunity. Every morning between 6 and 8 o'clock, 4,500 'Scabs' leave Fenchurch-street station for the Royal Albert Dock and the West India Dock. Five thousand men have resolved on Monday morning next at 6 o'clock to be at Fenchurch station. They will provide themselves with railway tickets so as to be in the same carriages as the 'blacklegs.' Remember, the Railway Company, as common carriers, are bound to carry you when you tender your fare. Don't 'boo'! the 'blacklegs.' Just LOOK at them, and they will not have the courage to go to work and rob you and your wives and families of their bread. Get your tickets in good time, so as to leave very little room for the 'scabs.' By order of The Flying Picket.

I cannot say whether that has been issued by authority, but it was handed to the *Daily News* by Mr. McCallum, who takes a leading part in labour politics and presumably was handed to them as an illustration of the way in which blacklegs are treated, and which apparently meets with Mr. McCallum's approval. Can you ask the public to force outsiders to join unions if that is the way they are treated when they do not do so? Again, here I have an account of a meeting in connection with a municipal election at Boulder, and my friends opposite may recollect it. It is headed, "A Stormy Labour Meeting"—"Union Secretary's Vote Questioned"—"Boulder Mayoral Election" and reads—

> A meeting of the Goldfields Council of the Australian Labour Federation, held at Boulder on Monday night, was of a particularly stormy character. The principal business of the meeting was to deal with a charge laid against Mr. H. C. Gibson, secretary of the Engine-drivers' Association, to the effect that at the last mayoral election at Boulder at which he acted as returning officer, he had voted for a person other than the Labour candidate. A warm discussion ensued, in the course of which personalities were flung around with force and freedom. The chairman (Mr. George McLeod) had the greatest difficulty in keeping the meeting in hand. Mr. Gibson admitted that he had exercised four votes at the election in question and that he had given two to Mr. Waddell (the Labour candidate) and two to Mr. C. R. Davies, the present mayor, thereby nullifying the effect of his votes. He gave as the reason for his action that he did not consider Mr. Waddell a suitable person to represent Labour in the council. This statement of opinion caused a long and acrimonious discussion. Eventually Mr. Brown (Filterpress Union) moved that Mr. Gibson, by his action in voting for an opponent of the Labour candidate, had forfeited the confidence of the members of the Australian Labour Federation, and that he was unfitted to remain a member of that organisation. On a vote being taken 28 votes were recorded for the motion and 28 against it. The chairman gave his casting vote against the motion.

That is another illustration of what I do not say my friends in this House, or some of them, would approve of.

Hon. J. E. Dodd (Honorary Minister): You are arguing on a wrong basis; that is not a union, and the matter would not have affected his rights at all.

Hon. D. G. GAWLER: I am arguing that he acted against labour in voting for anyone but a labour man, and his own party went so far as to lay a charge against him.

Hon. J. E. Dodd (Honorary Minister): It has nothing to do with this Act; besides there are men in that organisation who are not unionists; it is a totally distinct society.

Hon. D. G. GAWLER: Of course the Honorary Minister knows more about the constitution of these bodies than I do. At any rate, whether they were unionists or non-unionists, it was a Labour meeting and the action of Mr. Gibson was against Labour principles. The charge was that he was unfitted to remain a member of the Labour party.

Hon. W. Kingsmill: Because he exercised his own discretion.

Hon. J. E. Dodd (Honorary Minister): That is entirely apart from this measure.

Hon. D. G. GAWLER: There is only one other small item I desire to read to hon. members bearing on this same question, and that is a motion by the Northam branch of the A.L.F.—"That no unionist be allowed to remain affiliated with the A.L.F. who proves disloyal to the Labour cause." On the face of it, that is no doubt very patriotic and praiseworthy, but I am afraid it all points to a considerable element of partisanship and the sacrifice of conscience and freedom of action once a man enters a union. There is one other point I will deal with before sitting down, and that is the connection between the political and industrial organisations. I contend, as other speakers have done, that so long as the connection between these two continues, so long will compulsory arbitration fail.

Mr. Cornell pointed out in his speech that the Labour party sought to obtain their industrial ends through political action within their own ranks, and that they would continue to do so. I think they are perfectly justified in such a step, but where Mr. Cornell and the rest of us will part company is on the question as to whether that political action taken in the interests of one party is to dominate the laws of the whole community. It is well known that the laws are passed from the members of a union right on to the Cabinet, and Mr. McCallum gave us an illustration of it not long ago when he was reported as follows—

> In responding to the toast of the A.L.F. at the G.W.U. social at the Trades Hall, Perth, the other night, Mr. Alex. McCallum made some forcible remarks on the subject of the Labour Government and the power which stood behind it. He traced the growth of the A.L.F. during the last year. The number of financial members affiliated with the State executive had increased from 12,000 to 24,000, while in the local (metropolitan) council they had grown from 1,200 to over 6,000. The finances had increased, and the federation was the proud possessor of a magnificent site for the Trades Hall, which would ultimately be the finest Trades Hall in Australia. The combining of the industrial and the political sides of the movement had been accountable for a great deal of their recent progress. Each member of an affiliated organisation had equal rights with Mr. Scaddan or any Minister to have placed upon the party platform any matter he liked. The individual, through his union, and the union, through the district council, and the district council, through the State executive, were the forces that made up the party strength.

Later on, attention was drawn to some remarks made by Mr. Glance at the conference of the miners' federation at Norseman. I admit that when those remarks were quoted in this Chamber on a previous occasion they were questioned by Mr. Dodd, but so far I have not seen any withdrawal of them. Mr. Glance was reported in the Press as follows—

> Mr. Glance opposed the motion on humanitarian grounds. He believed that the question should be dealt with by legislation, and the whole onus not thrown upon the unions. He moved the adjournment of the debate, and that the arbitration committee should be requested to make a recommendation in the direction indicated. They had a Government placed and kept in power by the trades unionists, and that Government should legislate compelling preference to unionists in every arbitration award and industrial agreement. He believed that there was no other satisfactory way of bringing about the necessary reform.

I quote those two extracts to show that the political movement here depends upon the industrial, that laws are controlled through successive stages from every member of a union to the Trades and Labour Council, from the Trades and Labour Council to the A.L.F., and so on to the Government and caucus; every member of a union is practically the controller of the policy of the country. If those are the circumstances, and I cannot see that the position can be denied, is it right that the interests of the whole community should be dominated by the legislation passed in the interests of one class? If that is so, so long as the industrial and political movements are connected, there is no opportunity of compulsory arbitration being successfully carried through. I am afraid I have kept hon. members somewhat long, and I do not propose to say anything further. I have touched on the principal questions, but I do wish to add that I recognised, when the last Bill came before the House, that it was in the eyes of the Labour members in this Chamber, an honest attempt to deal with the position. I am going to accept the principle of compulsory arbitration, although I do not believe in it, but I do believe that the present Bill is a more thorough attempt to deal with strikes than the last Bill or the present Act, and I give the Government every credit for bringing in some

useful legislation bearing on that subject. I think that some of the provisions in the Bill are worthy of every commendation, and it is the effort on the part of the Government to improve the arbitration legislation in that respect that makes me willing to overlook the defects in the Bill. Whilst endeavouring to amend the Bill on the points I have mentioned, I shall do my very best to see that the Bill does not suffer in regard to the principles in which we cannot give way.

On motion by Hon. R. G. Ardagh, debate adjourned.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Assembly's Message—In Committee.

Consideration resumed, from the previous day, of Assembly's reasons for disagreeing with two amendments made by the Council.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

No. 2—Clause 9, Subclause 2—Strike out the word "Justice" in lines 1 and 4, and insert "magistrate":

The COLONIAL SECRETARY moved—

That the amendment be not insisted upon.

Hon. J. F. CULLEN: The Committee would be inclined to give way for the sake of the Bill, but there would still be risks. He did not believe in that portion of the Message which said that the power of the justices was sufficiently guarded. It was still open to anybody to swear an information, and that might be done sometimes in spite or without proper consideration of the seriousness of the action. Still he recognised that there might be a difficulty in getting a magistrate in many parts of the State.

Question passed; the amendment not insisted upon.

No. 4—Clause 16—Strike out Subclause 4:

On motion by the COLONIAL SECRETARY, amendment not insisted upon.

Resolutions reported, and the report adopted.

ADJOURNMENT—SPECIAL.

On motion by the COLONIAL SECRETARY, resolved, That the House at its rising adjourn until Tuesday next.

House adjourned at 8.29 p.m.

Legislative Assembly,

Wednesday, 25th September, 1912.

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

BILL—UNIVERSITY LANDS.

Read a third time and transmitted to the Legislative Council.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. FRANK WILSON (Sussex): I have looked into this small amending measure introduced by the Premier yesterday, and it seems to me there can be no objection taken to it. I agree with him that the temporary officers of the civil service are entitled to consideration and that many hardships have resulted through our present legislation. I know that temporary officers have felt it very hard—having served for many years and some, I know, have been engaged in the