Legislative Council,

Thursday, 6th February, 1902.

Question: Coolgardie Water Scheme, Cement Storage—Exchange of Land Bill, first reading—Early Closing Bill, Recommittal, reported—Judges' Pension Act Amendment Bill, in Committee, progress—Industrial Conciliation and Arbitration Bill, in Committee, reported—Wines, Beer, and Spirit Sale Amendment Bill, first reading—Coolgardie Water Supply Loan Re-allocation Bill, first reading—Brands Bill, first reading—Dividend Duty Amendment Bill, first reading—Workers' Compensation Bill, second reading (resumed), concluded; in Committee, reported—Kalgoorlie Tramways Amendment Bill, second reading, in Committee, reported—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—COOLGARDIE WATER SCHEME, CEMENT STORAGE.

HON. F. T. CROWDER asked the Minister for Lands: What amount has been paid, and is owing by, the Government for the storage of cement imported for the use of the Coolgardie Water Scheme.

THE MINISTER FOR LANDS replied:—

Amounts paid—			
To Railway Department ...	£1,834	5	9
„ Canning Jarrah Co. ...	620	12	10
Total amount paid ...	£2,454	18	7
Amounts owing (approximate)—			
To Railway Department ...	£535	0	0
„ Canning Jarrah Co. ...	19	0	0
Total amount owing (approx.)	£554	0	0

PERTH SUBURBAN LOTS (SUBIACO) EXCHANGE BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

EARLY CLOSING BILL.

RECOMMITTAL.

On motion by HON. A. B. KIDSON, Bill recommitted for amendment.

SIR GEORGE SHENTON took the Chair.

HON. A. B. KIDSON moved that after the word "Hairdressers," in Schedule 2, "Tobacconists" be inserted.

Put and passed.

Bill reported with a farther amendment, and the report adopted.

JUDGES' PENSION ACT AMENDMENT BILL.

IN COMMITTEE.

SIR GEORGE SHENTON took the Chair.

Clause 1—Amendment of 60 Vict., No. 24, Sec. 2:

HON. J. M. SPEED moved that in line 3 the words "without the consent of Parliament" be struck out. As Mr. R. S. Haynes had pointed out, the inclusion of these words in the clause might lead to an impression in the public mind that some improper feeling existed between the Judges and Parliament.

HON. A. B. KIDSON: That was not Mr. Haynes's reason.

HON. J. M. SPEED: Anyhow, that was what Mr. Haynes had said.

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

Ayes	11
Noes	7
Majority for ...	4

AYES.	NOES.
Hon. G. Bellingham	Hon. E. M. Clarke
Hon. R. G. Burges	Hon. J. W. Hackett
Hon. J. D. Connolly	Hon. A. Jameson
Hon. C. E. Dempster	Hon. A. B. Kidson
Hon. J. M. Drew	Hon. G. Randell
Hon. J. T. Glowrey	Hon. J. E. Richardson
Hon. W. Maley	Hon. R. Laurie (*Teller*).
Hon. B. C. O'Brien	
Hon. C. A. Piesse	
Hon. J. M. Speed	
Hon. F. T. Crowder (*Teller*).	

Amendment thus passed, and the words struck out.

HON. J. M. SPEED moved, as a farther amendment, that in line 3 after the word "office" the following be inserted: "or to any Judge who shall become incapable, from any cause whatsoever, of performing the duties of his office."

HON. J. W. HACKETT: What was the meaning of this amendment?

HON. J. M. SPEED: By the present Bill the Government were attempting to "assume a virtue if they had it not." The pretence of Ministers was that this was an attempt to do away with pensions to a certain extent; but it was left entirely to the Judge resigning to decide whether he was capable of performing his duties or not. Under the amendment, a Judge retiring from physical disability within five years of his appointment would not receive a pension at all.

HON. A. B. KIDSON: This amendment went to ridiculous lengths. A Judge who had given up a lucrative practice to take his seat on the bench was to receive nothing at all on becoming incapacitated. How were we to get the best men on such terms?

HON. J. M. SPEED: We had not got the best men now.

HON. A. B. KIDSON: That might be the hon. member's opinion; but for his part he was prepared to maintain that we had the best men. Under this amendment, who was to settle whether a Judge was incapacitated or not? Suppose the Government said to a Judge, "You are incapacitated and must not act any more," and the Judge replied, "I am not incapacitated, and shall continue to act." In such a case, who was to decide? Hon. members must bear in mind that a Judge could not be removed except on an address from both Houses of Parliament. The Government could not remove a Judge. The amendment would put the Judges in a most humiliating position.

HON. G. BELLINGHAM: Under the existing law, a Judge could within a month of his appointment produce a suitable medical certificate, and immediately proceed to draw his pension.

HON. A. B. KIDSON: Not under this Bill. If a Judge resigned now within five years of his appointment he would not get a pension.

HON. J. M. SPEED: Should a Judge become incapable, a good many people would soon recognise the fact. If the amendment were adopted, the Government of the day would take care that any man appointed to a judgeship was of sound health.

HON. A. B. KIDSON: Let the hon. member say who was to settle the question of a Judge's incapacity.

HON. J. M. SPEED: This House could decide the question.

HON. A. B. KIDSON: One House could not do it.

HON. J. M. SPEED: Both Houses could do it. He moved the amendment because he objected to the Bill, which pretended to aim at the partial abolition of pensions, but was really ——

HON. A. B. KIDSON: The hon. member voted for the second reading.

HON. J. M. SPEED: Yes; but in doing so he had reserved to himself the right to move amendments in Committee. The Bill, amended as proposed, would work satisfactorily.

THE MINISTER FOR LANDS: The amendment was of no value whatever. If a Judge became incapable it was open to any member of either House to bring the matter before Parliament; and that was the only method by which a Judge could be removed. The matter would be brought no nearer solution by the amendment. If a Judge became incapable, it was open to the mover of this amendment to bring the matter before Parliament. The only possible means of compelling a Judge to leave the Bench was by an address passed by both Houses of Parliament, and, moreover, passed by an absolute majority of both Houses.

HON. J. W. HACKETT: This amendment reduced our legislation to the level of a farce. He was not certain whether the object of hon. members who voted for Mr. Speed's previous amendment was to kill the Bill, or to introduce a *bona fide* amendment. Certainly the result of carrying the present amendment would be to cause the Government to drop the Bill; and then we should be thrown back on the old Act, under which a Judge could resign and draw his pension immediately after appointment. A more ridiculous amendment than the present, one which would do more harm to the estimate and consideration in which the House might be held, could not well be imagined. As Mr. Kidson had pointed out, the amendment asked for a judgment, but did not even hint who was to give the judgment. By whom was a Judge to be found, or declared, or proved incapable of performing his duties? By disappointed suitors? For his part, he admitted that for about 24 hours after a judgment had been given against him, he was quite prepared to make out a good case for the removal of the Judge or magistrate who had given the adverse decision. The amendment did not say whether Parliament, or the Press, or members of the medical profession, or the Government, or who else was to decide the question of incapability. A more glaringly absurd provision was never introduced into a measure of this importance. There seemed to be a little confusion between pensions and the removal of a Judge. All the Committee

had been asked to do was to consent to an amendment putting it in the power of Parliament to say a pension should not be granted under certain circumstances. As to the removal of a Judge, we could join in a resolution of another Chamber to remove a Judge, but that did not remove him, and the Government were absolutely incapable of taking action upon such a resolution. What would happen was that a resolution would go to the Privy Council, who would decide whether the Judge should be removed. He was certain we had killed the Bill as it stood.

HON. F. T. CROWDER: Was the hon. member speaking for the Government?

HON. J. W. HACKETT: The Government had voted against what was proposed, so they had done their best to support the measure. Unless the old clause was reintroduced, or something equivalent to it, the Bill would go by the board. There would be a fourth Judge, because the goldfields members insisted upon it. A Judge must be in existence as soon as possible, and that Judge would come in under the old Act. Vested rights could not be touched, and we should have four Judges under the old law and no Judge under the new.

THE CHAIRMAN: Members should look very carefully into the amendments being moved. He was under the impression that some had overlooked Sections 55 and 56 of the Constitution Act.

HON. J. M. SPEED: The Bill was brought down by the Government as they were practically going to do away with pensions for five years, and unless a Judge chose to resign—and one did not suppose a Judge would wish to do so, whatever the state of his health, and whether capable of doing his duties or not—he would get his pension.

HON. G. RANDELL: The Committee were endeavouring to do what was an impossibility, and he thought it inadvisable for us to deal with the Judges' Pension Act in the way proposed. He believed the Bill was an honest attempt to meet expressions of opinion which had been given utterance to, but apparently we were attempting to accomplish something contrary to the spirit of the Constitution Act. We had always considered it desirable to leave the Judges perfectly free and independent. Things might happen to prevent a Judge from administering his duties satisfactorily to himself or the country; but, if this proposal were carried out, he would consider the question of continuing to occupy the position, because the present Bill would prevent him from having a pension unless he had been on the bench five years. He suggested to the leader of the House that progress be reported.

HON. J. W. HACKETT: The hon. member might move that the Chairman leave the Chair.

HON. G. RANDELL: There were several courses open to the Minister. One could only suggest that progress should be reported, as that method was more respectful to the House than would be a motion to withdraw the Bill or that the Chairman leave the Chair.

THE MINISTER FOR LANDS moved that progress be reported, and leave given to sit again.

HON. C. E. DEMPSTER called for a division.

THE CHAIRMAN: It was etiquette of Parliament, when a Minister asked that progress be reported, for the Committee to consent.

HON. C. E. DEMPSTER withdrew his call for a division.

Motion (progress) put and passed.

Progress reported, and leave given to sit again.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

IN COMMITTEE.

SIR GEORGE SHENTON took the Chair.

Clause 1—agreed to.

Clause 2—Interpretation:

HON. G. RANDELL moved that after the word "dispute" in the first line of the definition of "industrial disputes," the words "as herein defined" be inserted. The amendment would bring this definition into accord with the old Act.

HON. J. M. SPEED said he did not know what the effect of the amendment would be.

Amendment put and passed.

HON. F. T. CROWDER moved that paragraph (*e*) be struck out.

HON. J. M. SPEED: To strike out this paragraph would nullify the Bill. Hon. members must observe that it was not obligatory on either the board or the

court to direct that only unionists should be employed. The board or court would in each case decide according to the particular circumstances. No real objection had been taken to the clause in New Zealand by the workers.

HON. G. RANDELL: No; one would think not!

HON. J. M. SPEED: The question was one entirely for the workmen to deal with.

HON. F. T. CROWDER: It would be very undesirable to put it in the power of any tribunal to decide whether preference should be given to unionists over non-unionists. Workers who remained outside unions usually did so on conscientious grounds.

HON. A. B. KIDSON: Mr. Speed had said this was a matter for the workers to decide. Of course, if such a power as proposed by this paragraph were given to the workers, no one could blame them for exercising it. The question was, however, whether the workers should be given that power. If the paragraph were allowed to stand, it would mean that the employer of a good workman who was not a unionist, would have to either discharge him or force him to become a member of a union. The paragraph constituted as gross an interference with individual liberty as could well be conceived.

HON. G. RANDELL: No such provision as that proposed to be struck out was to be found in the present Conciliation and Arbitration Act; and he hoped hon. members would not allow it to stand. Every man, whether unionist or non-unionist, should be allowed a fair chance of obtaining employment. It was clear that if the paragraph were allowed to stand the unionist, though not perhaps the better workman, would have the preference over the non-unionist. The provision represented an attempt on the part of the labour organisations to reach the ultimate goal at which they were aiming.

HON. J. W. HACKETT: As probably the largest employer of labour in the House, he was prepared to accept the clause as it stood. The attempt to throw obstacles in the way of the establishment of unions came a couple of years too late. If Parliament was opposed to the formation of unions, then the existing Conciliation and Arbitration Act should not have been passed, or even contemplated by either branch of the Legislature. The object of the measure was to prevent strikes and to compel employers and workers to enter into industrial agreements. If those industrial agreements were unfair, or were not fairly carried out, recourse could be had to the board or the court.

HON. F. T. CROWDER: Here was a change, indeed!

HON. J. W. HACKETT: No; this was the opinion he had always held.

HON. J. M. SPEED: Mr. Hackett had been consistent all through.

HON. A. B. KIDSON: Why not enact that every worker must belong to a union?

HON. J. W. HACKETT: Parliament had decided practically to that effect two years ago in passing a Conciliation and Arbitration Bill.

HON. A. B. KIDSON: Why not enact this in plain language, then?

HON. J. W. HACKETT: The provision was adopted from the amended New Zealand Act. Judges on the New Zealand Bench had said that they had practically decided in favour of union employment even before the provision was enacted. He agreed with what no doubt was passing through the minds of many hon. members—that the Conciliation and Arbitration Act was on its trial, the present being a time of abundant prosperity. The real value of the Act would be seen only in times of stress. A clear advantage lay in getting employers and workers within the scope of the Act, in order that the parties might know with whom they had to deal and that the area of strikes might be circumscribed as closely as possible. If the paragraph were struck out, it would be only waste of time to consider the Bill farther.

HON. A. B. KIDSON: The Bill, as it stood, would practically force men into the unions.

HON. J. W. HACKETT: In connection with the original Act, he had pointed out that we should eventually have universal unions of workers and universal unions of employers. This provision in the present Bill was only a natural corollary of the previous Act.

HON. F. T. CROWDER: If this kind of legislation continued, we should all be workers in a couple of years' time.

HON. J. W. HACKETT: It was to be hoped we were all workers now. In

every urban employment there would certainly be some unionists; and those unionists held industry at their mercy, because they could refuse to work and so bring matters to a standstill. Hon. members might as well swallow the whole Bill. The question of employing free or union labour was not to be decided automatically under the measure, but would go before the court for adjudication like any other matter in dispute. If there was clear necessity for the employment of non-union labour, the court would so decide. If, on the other hand, in the best interests of the industry, of the employers and the workers, union labour alone should be employed, the court would decide to that effect. He supported the retention of the paragraph.

HON. R. LAURIE: The purpose of this Bill was to prevent strikes by means of conciliation and arbitration before the mischief was done. As an employer of labour, he regarded the term "freedom of contract" as a misnomer. The bitterest industrial fights in the Eastern States had turned on the question of whether the employers should have what was called "freedom of contract." If, as Mr. Kidson had said, the non-union men would strike, what was the use of the Bill?

HON. A. B. KIDSON: The non-unionists would strike because an attempt was made to compel them to join a union.

HON. R. LAURIE: Would any provision of this measure reach a non-unionist? The object with which the Trade Unions Bill had been passed was to make this Conciliation and Arbitration Bill valuable. Without the Trade Unions Bill, unionists could not be reached or penalised in case of misconduct. If this paragraph were struck out, it would be just as well to drop the whole Bill. He employed probably 100 men, and there was not a non-unionist among them.

HON. A. B. KIDSON: Then of course the hon. member was all right.

HON. R. LAURIE: The hon. member interjecting could not point to any business employing a dozen men with not a unionist among them.

HON. A. B. KIDSON: What was the use of the clause, then?

HON. R. LAURIE: If the hon. member thought the clause harmless, why should he desire to have it excised? The recent railway strike had surely been a sufficient lesson on the evils of non-unionism. Hon. members should bear in mind that the chief sufferers from strikes were not the strikers, who were possibly led away by one or two hot-headed men, but the women and children. He appealed to hon. members not to make the Bill valueless by mutilation.

HON. J. M. SPEED: As was done last session.

THE MINISTER FOR LANDS: Undoubtedly, this question went to the very basis of the Bill; and it was well that it had been raised at an early stage. On the second reading he had stated that the chief object of the measure was the registration of industrial unions in order that industrial agreements might be made. If the employment of non-unionist labour were encouraged, the very root of the measure would be struck at. In fact, if hon. members excised this paragraph, they might as well throw the Bill out. [SEVERAL MEMBERS: No.] The question of whether union labour should be encouraged as against non-union, and whether the operation of the measure should extend to non-union labour, had been fully discussed before; but the decision arrived at had not proved satisfactory, the existing Conciliation and Arbitration Act being apparently a failure. After Judge Backhouse's report on the New Zealand measure had been made, it was found necessary to insert this provision in the Act; and it was to be hoped the provision would be retained here.

HON. A. B. KIDSON: It was impossible to agree with the contention of the Minister for Lands that if Clause 2 were amended as proposed the whole Bill would be nullified. In regard to an Act which had just lapsed, the present Minister for Lands had urged that it interfered with the liberty of the subject. If, however, there was one measure which would interfere with the liberty of the subject, it was the present Bill; yet we found the Minister supporting it as calmly as possible. Apparently by this clause an endeavour was made to throw upon the court that which Parliament really should decide, because if the court once decided that union labour was to be employed, the

matter would be settled for ever. Why not let us enact that every working man should be a unionist; in fact he would move later on that it should be compulsory that every working man should go into a union; because that was the effect of the clause. If this was not a coercion Bill he did not know what was. He would have liked to see some record as to the non-unionist working men in this State, because they were entitled to be considered just as much as unionists; he would like to see how they compared in number with those who belonged to unions.

THE MINISTER FOR LANDS: It was very difficult to get that information.

HON. A. B. KIDSON: Why should men be forced into unions? Why should they be forced to go to the court? He was in favour of and voted for the measure introduced last session, but this measure was going a little too far. He did not agree that we should do away with the Bill altogether. Let those unions at present in existence, and who would come into existence, take advantage of the measure; but we should respect the rights of men who did not belong to unions.

HON. B. C. O'BRIEN: As to coercing men, he did not see that there was any coercion in the matter. Mr. Hackett and Captain Laurie were both large employers, and they gracefully accepted the sub-clause. He believed that if we had the figures we should find that 90 per cent. of the working men of the State were more or less unionists, and the object of introducing this sub-clause was to induce those who were not unionists to become so, and thereby make the working of the Bill easy.

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

Ayes	...	...	8
Noes	...	...	8
A tie	...	...	0

AYES.	NOES.
Hon. G. Bellingham	Hon. E. M. Clarke
Hon. R. G. Burges	Hon. J. D. Connolly
Hon. F. T. Crowder	Hon. J. W. Hackett
Hon. J. T. Glowrey	Hon. A. Jameson
Hon. A. B. Kidson	Hon. R. Laurie
Hon. G. Randell	Hon. B. C. O'Brien
Hon. J. E. Richardson	Hon. J. M. Speed
Hon. C. E. Dempster *(Teller).*	Hon. J. M. Drew *(Teller).*

THE CHAIRMAN gave his casting vote with the Ayes, so that the Committee might have another opportunity of considering the sub-clause.

Amendment passed; paragraph struck out.

HON. R. G. BURGES: "Worker" was defined as any person of any age of either sex. If we were going to introduce legislation of this sort, we had better let the world know, so that people would not come here and invest their money. The definition was perfectly absurd, and if it were passed as it stood, lots of industries would be knocked on the head altogether. Lots of vineyards here would have to shut up. He moved that the words "any age or," in line 1, be struck out, and "the age of sixteen years or upwards of" inserted in lieu.

HON. G. RANDELL: This definition of "worker" would tend to disorganise and disarrange the whole business of the country. It was so wide and far-reaching that no one would escape its operation. He could not understand why the definition of "worker" given by the old Act had been departed from. That definition went far enough for the purposes of this legislation. At 18 years probably, and at 16 years certainly, people were not qualified to express opinions on important questions. Now-a-days the young were very ready to make definite pronouncements, so much so that he was often afraid to express an opinion before young people. Experience appeared to count for little or nothing now-a-days.

HON. J. M. SPEED: None of the disastrous consequences predicted from the adoption of the clause as it stood was to be apprehended. New Zealand had advanced under legislation of this class. It was within his personal knowledge that land in New Zealand worth from £3 to £4 per acre before the enactment of conciliation and arbitration legislation, was now worth from £9 to £10 per acre. He would vote for the clause as it stood.

HON. F. T. CROWDER: The hon. member would apparently vote for anything, since he was in favour of giving young people of the age of 14 the Parliamentary franchise.

HON. J. M. SPEED: Nothing of the sort had been said by him.

HON. F. T. CROWDER: The statement had appeared in print.

HON. J. M. SPEED: Certainly not.

HON. F. T. CROWDER: The hon. member knew where it appeared. It was unwise to enact legislation which could

not be upheld. If legislation on these lines continued, members of Parliament would very soon be a great deal worse off than workers. The age of 18 was low enough; but if 16 were proposed he would support that, by way of compromise.

THE MINISTER FOR LANDS: At this stage of the discussion it was advisable to draw the attention of hon. members to the fact that one of the principal reasons for amending the old Act was because of the narrow definition of "worker" therein contained. It was considered well to have a broader definition, since, if the law was a good one, the scope of its operation should be as wide as possible. Everybody admitted the Act was experimental—in fact, all the social legislation of recent years was experimental—and the experiment should be made as wide as possible. The endeavour to limit the operation of the Conciliation and Arbitration Bill in the last session had given certain people a handle against the House.

HON. J. W. HACKETT: That was because the House had excluded clerical workers from the operation of the Act. The question was not one of age.

THE MINISTER FOR LANDS: True; but that limitation had been made in connection with this clause.

HON. J. W. HACKETT: A young man of 16 might fairly be said to be capable of forming an opinion. One must vote for making the age 16 by way of compromise.

Amendment put and passed.

HON. F. T. CROWDER farther moved that in the definition of "worker" the word "clerical" be struck out.

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

Ayes	...	...	5
Noes	...	...	11
Majority against		...	6

AYES.	NOES.
Hon. F. T. Crowder	Hon. G. Bellingham
Hon. C. E. Dempster	Hon. E. M. Clarke
Hon. G. Randell	Hon. J. D. Connolly
Hon. J. E. Richardson	Hon. J. M. Drew
Hon. R. G. Burges (*Teller*).	Hon. J. T. Glowrey
	Hon. J. W. Hackett
	Hon. A. Jameson
	Hon. R. Laurie
	Hon. B. C. O'Brien
	Hon. J. M. Speed
	Hon. A. B. Kidson (*Teller*).

Amendment thus negatived.

Clause as previously amended agreed to.

Clause 3—What societies may be registered:

HON. F. T. CROWDER: To constitute a man an employer under this Bill he must employ 50 workers, whereas 15 employees could form a union. This seemed grossly unfair.

HON. G. BELLINGHAM: The hon. member was contrasting the definition of "employer" with the provision as to the number necessary to form a union.

HON. F. T. CROWDER: If 15 working men could form a union, surely 15 employers should be able to do so.

THE MINISTER FOR LANDS: One or two employers could do so.

HON. J. W. HACKETT: One employer could.

HON. G. BELLINGHAM: If he employed 50 men.

THE MINISTER FOR LANDS: Two or more employers. One employer could not form a union all by himself. "Employer" included persons, firms, companies and corporations employing one or more workers.

HON. A. B. KIDSON: A company did not consist of individuals, in the eye of the law: it was a union.

HON. F. T. CROWDER: The clause seemed very vague. He was inclined to strike out "fifty" and insert "fifteen." As it at present stood an employer had to employ 50 before he could register, whereas 15 working men could register. An employer who employed 15 men should have the same liberty as the 15 men. He moved that "fifty" be struck out, and "fifteen" be inserted in lieu.

HON. A. B. KIDSON: It would be well to make the first part clear. What about a company?

THE MINISTER FOR LANDS: We were not dealing with companies. The definition of "employer" referred to persons, firms, companies, or corporations employing one or more workers. This would apply to a company under the definition of "employer."

HON. A. B. KIDSON: Clause 3 said "two or more persons."

THE MINISTER FOR LANDS: If it were a firm, company, or corporation, it must consist of two or more persons.

HON. A. B. KIDSON: But what if it were a company?

THE MINISTER FOR LANDS: Then they could form a union.

HON. F. T. CROWDER: He took it that if a company employed only two, it could be a union.

THE MINISTER FOR LANDS: If a company employed 50 it could be a union. One employer could not be a company himself.

HON. A. B. KIDSON: A company could be a union.

THE MINISTER FOR LANDS: There must be two persons to form a union.

HON. J. W. HACKETT: A company was an individual, a single person, so at least there must be two companies to form a union. The old Act said that any incorporated or registered company might be registered as an industrial union of employers.

THE MINISTER FOR LANDS: It was very clear on the hon. member's contention what was to be done. If the Committee were not satisfied with "two or more persons" they might say "two or more persons, companies, and corporations."

HON. A. B. KIDSON: There was a desire that one big company should be able to come in.

THE MINISTER FOR LANDS: This Bill did not provide for what the hon. member wanted.

HON. G. BELLINGHAM: It would improve things if the words "of two or more persons" were struck out, because "employer" was mentioned in the interpretation clause, and it related to persons, firms, companies, and corporations.

HON. J. W. HACKETT: A company, if a very large one, should still be allowed the privilege of registering.

HON. A. B. KIDSON: It would be better to have the clause postponed for the Minister to consult the Crown law officers. If this point could be reserved, we could recommit the Bill. Incorporated or registered companies should be allowed to retain the right they had under the old Act.

HON. J. M. SPEED: If "two or more persons" were struck out, that would meet the case.

HON. A. B. KIDSON: If those words were struck out, the intention of the Minister would be defeated.

MEMBER: The words "employer or employers" might be used.

HON. J. M. SPEED: Yes.

HON. C. E. DEMPSTER: The idea of an employer not being allowed to be represented unless he employed 50, whereas on the other side 15 men could form a union, was one of which he did not approve.

THE MINISTER FOR LANDS: From what had been brought forward by members he saw that there was complication. If they would allow the clause to pass as it stood, the Bill could be recommitted and the point reconsidered.

HON. F. T. CROWDER said he would withdraw his amendment on the understanding that the Minister would recommit the Bill.

THE MINISTER FOR LANDS: Paragraphs (*a*) and (*b*).

Amendment by leave withdrawn.

Clause put and passed.

Clauses 4 to 19, inclusive—agreed to.

Clause 20—Procedure for cancellation of registration:

HON. J. M. SPEED moved that after "if," in line 1 of Sub-clause (2), the following be inserted: "upon the application to the registrar of any industrial union it is shown, or if." It seemed to be left to the registrar himself to cancel any registration, and he thought, considering the affair that happened in Albany some time ago, it would be well to provide that any of the workers of a union might be able to apply for any registration to be cancelled which they considered had been obtained erroneously. As the clause stood it placed a burden upon the registrar which to a certain extent was unfair. The amendment did not affect the principle of the measure, but was proposed with a view of assisting in the working of the Bill.

HON. A. B. KIDSON: The provisions were clear. For an appeal to the registrar six weeks' notice was necessary. How much more did the hon. member want?

HON. J. M. SPEED: Any industrial union could apply to have the registration of another union cancelled.

HON. A. B. KIDSON: But notice must be given.

HON. J. M. SPEED: As the Bill stood it was entirely optional for the registrar

to take action or not, and that was what he objected to.

HON. G. RANDELL: There was only one possible objection to the amendment —that it held out an inducement to harass the registrar with frivolous charges. No doubt, the gentlemen controlling the labour unions would see that every union performed a specific duty. In regard to the provision that the registration of any industrial union which wilfully neglected to obey an order of the court might be cancelled, possibly it would be necessary to provide machinery for drawing the attention of the registrar to the fact of such neglect having been committed.

HON. A. B. KIDSON: There was no necessity for the amendment. If the mover had the good of the Bill at heart, he certainly had acted unwisely in moving the amendment.

HON. J. M. SPEED: The amendment would work well.

HON. A. B. KIDSON: The registrar had to be satisfied, and that was a sufficient safeguard.

HON. J. M. SPEED: The amendment which he had moved had been suggested to him by a large number of workers at Collie.

Amendment put and passed.

HON. J. M. SPEED moved that in line 29, after the word "union," the following be inserted: "objected to, or if the industrial union making the application be dissatified with the decision of the registrar, the registrar shall refer the application to the president of the court." This amendment was practically consequential on that just passed.

Put and passed.

HON. J. M. SPEED farther moved that in lines 30 and 31 the words "for the cancellation of the registration of the unions" be struck out; also that, in line 32, "secretary of the union" be struck out, and "secretaries of the unions" inserted in lieu.

Put and passed, and the clause as amended agreed to.

Clauses 21 to 50, inclusive—agreed to.

Clause 51—Procedure for reference of industrial disputes to board:

HON. J. D. CONNOLLY: Would this clause debar a solicitor who was an employer of labour or an attorney for employers, from appearing before the board?

THE MINISTER FOR LANDS: This clause debarred a solicitor from appearing as counsel; but, of course, if a solicitor were an employer of labour he could appear as an employer.

HON. J. D. CONNOLLY: But if the solicitor were an attorney or agent for employers?

HON. J. W. HACKETT: Would an agent for employers who happened to be a member of the bar under this clause be debarred from appearing before the board as such agent?

THE MINISTER FOR LANDS: That was not so.

Clause put and passed.

At 6·25, the CHAIRMAN left the Chair.

At 7·35, Chair resumed.

Clauses 52 to 55, inclusive—agreed to.

Clause 56—Reference to court if dispute not settled by board:

HON. A. B. KIDSON: The clause did not go far enough. It provided that an appeal if made must be made within 30 days, the object being that the matter should not be kept in suspense, but it went on to say that in the event of an appeal not taking place the warden's recommendation should from the finding thereof be treated in all respects as an industrial agreement. That did not go far enough, because in respect to an industrial agreement there might be a dispute and the matter might be kept on in a circle and never end. Some sort of finality was wanted, and in his opinion the proper course would be to fix a period. There should be a stipulation that if an appeal was not made within a specified time the finding of the warden should come into operation and be in force for a certain period. He suggested an amendment that the following words be added: —"and shall be binding on, and be observed by all parties to the dispute for a period to be fixed by the board upon the application of any party." He would not move the amendment.

Clause put and passed.

Clauses 57 to 84, inclusive—agreed to.

Clause 85—Special powers to extend or join parties to an award:

HON. G. RANDELL: The principle involved in this clause required the most

serious consideration. His object in rising was specifically to draw the attention of hon. members to this provision, which might work extreme hardship. The clause gave the Court power "to extend the award so as to join and bind as party thereto any specified industrial union, industrial association, or employer in the State not then bound thereby or party thereto, but connected with or engaged in the same industry as that to which the award applies." Of course, this was part of the principle underlying the whole of the Bill.

HON. J. M. SPEED: Clause 86 materially affected Clause 85.

HON. G. RANDELL: Clause 86 did not affect the fact that persons might against their will, and although not interested in the dispute, be included in the award made by the Court. Such a principle ought not to be admitted into the law, representing as it did a dangerous infringement on general liberty for the purpose of bolstering up trade unions. He moved that the clause be struck out.

HON. J. M. SPEED: The very object of this measure was to form unions, whereas Mr. Randell's object was to prevent their formation. The succeeding clause, 86, clearly showed that the award could not be applied to parties if they were not given an opportunity of being heard. The clause, which had worked advantageously in New Zealand, was based on the principle of consolidation of matters in dispute.

HON. G. RANDELL: Was the hon. member certain that such was the effect of Clause 86?

HON. J. M. SPEED: Quite sure.

HON. G. RANDELL: If the hon. member would read Clause 86, he would find that it was not so.

Amendment (to strike out the clause) put, and a division taken with the following result:—

Ayes	...	...	8
Noes	...	...	8
A tie	...	...	0

AYES.	NOES.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. R. G. Burges	Hon. J. M. Drew
Hon. F. T. Crowder	Hon. A. Jameson
Hon. R. S. Haynes	Hon. A. G. Jenkins
Hon. A. B. Kidson	Hon. E. Laurie
Hon. W. Maley	Hon. B. C. O'Brien
Hon. G. Randell	Hon. J. M. Speed
Hon. C. E. Dempster (*Teller*).	Hon. J. T. Glowrey (*Teller*).

THE CHAIRMAN: To allow farther consideration, he gave his casting vote with the ayes.

Amendment thus passed, and the clause struck out.

Clause 86—Application may be made to court by any party:

HON. G. RANDELL moved that the clause be struck out. This amendment was really consequential on the excision of Clause 85.

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

Ayes	...	...	8
Noes	...	...	8
Majority for	...	...	0

AYES	NOES.
Hon. R. G. Burges	Hon. E. M. Clarke
Hon. F. T. Crowder	Hon. J. D. Connolly
Hon. R. S. Haynes	Hon. J. M. Drew
Hon. A. B. Kidson	Hon. A. Jameson
Hon. W. Maley	Hon. E. Laurie
Hon. G. Randell	Hon. B. C. O'Brien
Hon. J. E. Richardson	Hon. J. M. Speed
Hon. C. E. Dempster (*Teller*).	Hon. A. G. Jenkins (*Teller*).

THE CHAIRMAN gave his casting vote with the Ayes, to allow Clause 86 with 85 to be reconsidered.

Amendment thus passed, and the clause struck out.

Clauses 87 to 106, inclusive—agreed to.

Clause 107—Provision as to Government employees:

HON. G. RANDELL moved that the words "or of any association or society of Government servants," after "person," in line 3, be struck out. In the case of private employees, persons belonging to a union must be of the same trade, but under this clause a Government employee might be of any trade, or no trade, and yet he could join an association. If we passed this, it would be adopting a principle which was novel, and be carrying into the Government service a principle in advance of that which applied to private employees. It was very undesirable such should be the case. In fact his own opinion was that the Government should not be bound even to the same extent as private employers, and he would not be at all sorry to see the whole clause struck out. It was, he believed, in consequence of a sudden impulse in another place that the words which he now proposed to strike out were added.

HON. F. T. CROWDER: What was sauce for the goose was sauce for the

gander, and what was sauce for the private individual was sauce for the Government. He had noticed during the last five or six years that the Government had been very apt, on every occasion on which they had been approached by labour, to give way, so long as it did not affect the people they employed themselves. If the Government employees were brought under this Bill, the Government would think twice before they gave them powers which would affect the Government. The underlying principle of the Bill was to stop strikes. If the Government employees were kept out of unions, we should have in the future what we experienced during the last strike. Had the people who struck been under a union, there would have been no strike at all. The engine-drivers who were under the union did not strike, but went on with their work. If we debarred Government employees from coming under the operation of the Bill, they would be the very people who could strike and paralyse the whole of the industries of the country.

HON. G. RANDELL: This did not apply to railway servants; there were special clauses relating to them.

HON. J. M. SPEED: The principle that applied to railway servants should also apply to others. If the measure was going to be any good at all, we must try and cover every possible contingency, so that no man should have an excuse for not coming under the Act. It was better to prevent the probability of a strike than to do as we did before, run the risk of losing many thousands of pounds by people going out on strike.

THE MINISTER FOR LANDS: If the words proposed to be struck out were not struck out, we should be at once establishing a condition in the legislation of this State which existed nowhere else in the world. It had been absolutely unknown that Government servants should be able to unite together to form a union, and to appeal to a board outside the Government to decide what wages they should receive. Parliaments met together to decide what the Estimates were to be; and by this clause as it at present stood the representatives of Parliament—that was to say, of the whole of the country—were to be subjected to a board consisting of an employer, a worker, and a presiding Judge, which board could entirely upset the whole of the work done in Parliament.

HON. J. M. SPEED: The court, not the board.

THE MINISTER FOR LANDS: The court consisted of a workman, an employer, and a Judge. We were giving to that body a power which not even a Supreme Court Judge possessed, a power above every power that had ever existed in any other country. A court appointed in this way was to decide matters which had already been decided by Parliament. This was a very grave position, and the policy seemed to him to be a very dangerous one: in fact, it was impossible to see the end of it. When persons entered the army—and the Government service was on the same ground, in a sense—such a thing as their entering into a union outside the generals and colonels could not exist for a moment. If they disobeyed orders they would be shot. We did not want to shoot these people.

HON. J. M. SPEED: There was a wish to starve them to death.

HON. A. B. KIDSON: It was refreshing to hear the hon. gentleman (the Minister for Lands), but at the same time one understood he was in charge of the Bill.

THE MINISTER FOR LANDS: The Government voted against this proposal.

HON. A. B. KIDSON: That was not known by him, and he apologised. However, he entirely concurred with every word the hon. gentleman had said. The matter had been discussed at various times, and doubtless the general conclusion come to was that mentioned by the Minister, namely, that this proposal was abrogating the functions of Parliament, and placing them in the hands of an irresponsible court not responsible to Parliament. If this state of affairs was going to be allowed, instead of the Government governing the country, we should have the civil service governing the Government. Really we very nearly had that already in regard to one section of the civil service, under Clause 108. We did not know, however, how Clause 108 would work. The clause had been forced on the Government and on Parliament by circumstances which it was needless to refer to. Farther, it would be a most

dangerous clause. If civil servants were allowed to rule the Government and the country, there was an end of everything. To permit men to band themselves into unions for the purpose of forcing higher pay and concessions out of the Government by means of tribunals utterly new to the community was a step not merely dangerous in the extreme, but most difficult to retrace when once taken. To swallow Clause 107 in its entirety would be almost madness.

HON. G. RANDELL: Mr. Crowder had misunderstood the purport of the amendment. The hon. member's remarks would apply even if the amendment were carried. The words proposed to be struck out were hastily inserted in another place. The principle embodied in them was a most dangerous one. Moreover, hon. members must recollect that if the principle were admitted in regard to the employees of the Government, there was no logical or just reason why it should not be extended to the workers of private employers. He knew Mr. Crowder's and Mr. Hackett's feelings in regard to this measure—that if such legislation was to be forced on the country the Government, as an employer, ought to share in it as well as the private employer. The question here was not one altogether of preventing strikes, but as to who should rule the country—the Government elected by the people, or a combination of trade unions. If the latter were to be allowed to rule, then there was no more to be said on the question. Yet he hoped the day was far distant when the Government would abdicate its power to irresponsible persons, as one hon. member had called them. The adoption of the amendment would remove a serious blot from the Bill. An amending Bill to the existing Act, rectifying certain faults in the mode of constituting the court and the means of declaring and filling up a vacancy, would have met all that was required by the unions of both employers and workers. The Government of the country should not be subject to interference. One result of bringing the Government within the full scope of the measure would be to compel them to abandon a system of departmental labour for the construction of many public works. They would be forced into that position by the operation of the clause if carried in its entirety, even if they were not compelled to drop day labour by other causes, to which reference had been made here from time to time. This clause, indeed, represented an advance on what was proposed to be done in the case of the private employer. That—to take a few trades at random—bakers, stonemasons, clerks, shoemakers, and tailors should combine in one union, as it was proposed the various departments of the Government employees should be allowed to combine, was contrary to the general principles and to the spirit of the measure. Personally, he would be glad to see the whole clause struck out. Hon. members could still move in that direction if the amendment were passed.

HON. J. M. SPEED: It was a matter of surprise to him to find the leader of the Government taking up an antagonistic position to this clause. However, the leader of the House and Mr. Randell always did object to anything original. Surely if we introduced legislation representing an advance on the legislation of New Zealand, we would gain credit.

HON. A. B. KIDSON: There was no credit attaching to this Bill.

HON. J. M. SPEED: Certain hon. members would rather lag behind. They preferred to "wait awhile" until other people came along to teach them. It was indeed strange to find the Minister for Lands impugning the integrity of the court which the Government proposed to form under this Bill. With one section of the Government service the Minister was quite prepared to admit the principle of this clause. But this clause, because it was not inserted on the initiative of the Government, the Minister opposed, alleging that it would interfere with the Estimates. However, when Ministers brought in Bills with which they were not in sympathy one could not look for their genuine support of the measures.

HON. J. W. HACKETT: It was his earnest hope that if this clause were not passed as it stood, another place would throw the Bill out. He could not understand for what reason the Government claimed to stand on a different footing from that of the private employer. In these latter years Governments had entered into different spheres of operations from those which formerly were supposed to constitute their province,

and their only province. Governments had become capitalists and employers, and had, by Act of Parliament, taken away many businesses and occupations which ought to have been left to private enterprise instead of being centred in the Government. Why then should not Governments be treated as private employers? If Governments would confine themselves to their duties as laid down by the old legalists, Jeremy Bentham and Austin, the case would be different. In this instance, the Government should not be permitted to thrust on private employers a clause which they were afraid to submit themselves to. This was a Bill drawn by the Government.

THE MINISTER FOR LANDS: The present clause was not introduced by the Government, and had, as a matter of fact, been opposed by the Government.

HON. J. W. HACKETT: Then, why was the clause in the Bill? The leader of the House had introduced the Bill with this clause in it, and had asked hon. members to carry the second reading.

THE MINISTER FOR LANDS: Certainly.

HON. J. W. HACKETT: If the Government would not accept the principle for themselves, let them not dare to apply it to private employers. If the Government attempted to evade and shirk responsibility, another place, it was to be hoped, would hold them to their duty. It was roughly said that what was sauce for the goose was sauce for the gander. He would put it, that what was good for the private employer was good for the public employer, and that what was injurious to the interests of the Government as an employer was injurious to the interests of private employers. The Government practically took up the position of saying: "While accepting the profits and advantages of private employers, we will take good care that, wherever possible, the advanced legislation of this period of the world's development shall press only on the private employer. We will take care to contract ourselves out of it." He, for his part, was prepared to undertake a campaign against the Government on the one issue, that of putting the Government employer on the same footing as a private employer.

HON. R. G. BURGES: That was a threat.

HON. J. W. HACKETT: Yes; and a threat he would carry out. Hon. members might vote against the retention of these words now, and the Government might support them; but in that case another place would throw the Bill out. Then the Government would give way and ask the members of the Legislative Council to rescind their votes. [MEMBER: We should refuse to do it.] The responsibility for the destruction of the measure would rest, not on the Legislative Council, but on the Government.

THE MINISTER FOR LANDS: The Government would accept any responsibility devolving on them.

HON. J. W. HACKETT: Let the hon. gentleman get his colleagues to state——

THE MINISTER FOR LANDS: The Government were perfectly prepared to take the responsibility of their actions.

HON. J. W. HACKETT: Irresponsible statements in this House were of little avail. Let the Government nail their colours to the mast in another place, and say, "We won't have the Bill unless those words remain in it."

THE MINISTER FOR LANDS: The votes of Ministers showed their opposition to this clause.

HON. J. W. HACKETT: Would the Ministry accept the Bill with this clause as it stood? He ventured to say the Ministry would not be allowed to take the Bill without it.

HON. R. G. BURGES: The hon. member was speaking for the Government, it was to be presumed.

HON. J. W. HACKETT: Yes; quite right: he was speaking for the Government. He was speaking for them most emphatically when he said that they would not be allowed to take the Bill without the clause. Pressure would be brought to bear; there would be a deputation or two——

HON. R. G. BURGES: The hon. member could not run the country now.

HON. J. W. HACKETT: No; but deputations would run the country. Hon. members need be under no misapprehension: the Government would give way on this clause as amended in another place, and would insist on the Bill being carried in its entirety.

HON. R. G. BURGES: That would ruin the country—ruin us altogether.

HON. J. W. HACKETT: We would all go down together. The hon. member said it would ruin us altogether—ruin whom?

HON. R. G. BURGES: The country.

HON. J. W. HACKETT: That was his (Mr. Hackett's) whole case.

HON. A. B. KIDSON: Then why was the hon. member supporting it?

HON. J. W. HACKETT: The whole case was this. If it would ruin the country, let it ruin both sides, and let it ruin the Government. If the Government were going to become a common employer like other persons in private enterprise, let them accept the duties, the responsibilities, and the dangers of that position; but let them not retire into a fortress of their own and fence themselves round with a lot of barricades which were intended to turn aside the weapons that had been directed by the Government against the private employer. All employers, whether the Government or private persons, should stand together on the same footing, and accept the Bill on the same conditions.

HON. G. RANDELL: The position taken up by Mr. Hackett was that the Government should be on the same footing as the private employer; but this clause as it now stood went a step farther, and permitted a state of things to exist which the private employer was not asked to accept. Under the clause as it now stood a man could join an association through the mere fact of being a Government employee, whereas in the case of a private employee one had to be a member of the same trade as those belonging to a union. All he asked for was that the provision which related to a private employee should also relate to Government servants. He hoped the Committee would carry the amendment, because the principle at present embodied in the clause was a most mischievous one. The Government voted against the insertion of the words which he now proposed should be struck out.

THE MINISTER FOR LANDS: The Government voted against it to a man.

HON. G. RANDELL: It was carried without due consideration, and was a most unmistakable blot on the clause.

THE MINISTER FOR LANDS: Mr. Hackett was carried away by his own verbosity and oratorical powers, and did not look to see what question was being discussed. The question had nothing whatever to do with private enterprise, but the point was whether the Government servants were to obey their superior officers or not. Were they to be subject to the Parliament of the country, or to a court which consisted of a worker, an employer, and a Judge? For the time being that court would have power which not even a Supreme Court Judge possessed, and which we did not find in any other legislation in the world.

HON. J. W. HACKETT: What was the objection?

THE MINISTER FOR LANDS: That the whole of the country was to be subjected to the court.

HON. A. B. KIDSON: Mr. Hackett spoke with a considerable amount of force, but did not, one thought, carry conviction in what he said. He (Hon. A. B. Kidson) never in the course of his experience in the House heard such arguments put forward in support of anything. The hon. member said, "If it is bad for the employer, let us make it bad for the Government." That was the sum total of his argument. In other words he told us that two wrongs made a right.

HON. A. G. JENKINS: Mr. Hackett did not tell us that, but what he told us was that he would force it down our throats, whether we liked it or not.

HON. A. B. KIDSON: The hon. member said he was going to enter upon a campaign for the purpose of forcing this legislation down our throats.

HON. W. MALEY: That was a "wise discretion!"

HON. A. B. KIDSON said he did not believe the hon. member (Hon. J. W. Hackett) was in favour of the Bill.

HON. J. W. HACKETT: That was an untruth. It was a strong expression, but the gentleman was telling an untruth, and he asked him to withdraw.

HON. A. B. KIDSON: The hon. member (Hon. J. W. Hackett) was telling an untruth.

HON. J. W. HACKETT: It was absolutely false.

HON. A. B. KIDSON: What he said was that he did not believe it. He did not say he might not be wrong, but at the same time he was perfectly entitled to his own opinion, and he was confirmed in his

opinion by the hon. gentleman's remarks to-day.

HON. J. W. HACKETT said he stated the hon. gentleman was telling an untruth.

HON. A. B. KIDSON remarked that he felt quite crushed. He was quite entitled to say that the hon. member (Hon. J. W. Hackett) was telling an untruth. The hon. member could have it back in his teeth.

HON. J. W. HACKETT said he regretted the turn the debate had taken; but he did not think he used violent language towards any individual member of the House. We ought to keep to the question at issue. He had heard no argument, and he challenged any member of the House to say whether Mr. Kidson had used any argument except to impute dishonesty to an hon. member which was absolutely unparliamentary, uncalled for, and untrue.

HON. A. B. KIDSON: The hon. member said so before.

HON. J. W. HACKETT said he repeated it deliberately. He did not think anything had been said or done by him to warrant any statement that he had been anything but consistently in favour of a Bill of this kind, so long as such a Bill would prevent strikes. What he was prepared to insist upon was that the best way to get a good Bill which would be well administered in the interests of the country and employers and employees generally, was to include the Government. He would go very much farther in this Bill, as it affected the Government. He was not speaking of the present Government or past Government, but he knew that Governments were willing to sacrifice any interest or any body of men, public or private, so long as they served their own ends. He was sorry to see the present Government following in the same footsteps. He hoped the Bill would be passed, and he was sure it would be.

HON. G. RANDELL: As it stood?

HON. J. W. HACKETT: Yes; as it stood. However we might kick against the principles of the Bill, the measure had come to stay, and those very principles which were objected to one by one would be proposed by the hon. gentleman or his Government in another year or so. Let us have a Bill that would give us something like permanency. We passed a Bill a year ago, and we were asked to repeal every line of it, and pass a new measure.

THE MINISTER FOR LANDS: Very few lines.

HON. J. W. HACKETT: We repealed every single clause of the last Act.

HON. G. RANDELL: And re-enacted the measure.

THE MINISTER FOR LANDS: Had the hon. member (Hon. J. W. Hackett) been prepared to move a few amendments, he would have been with him. This was a measure to amend the law.

HON. J. W. HACKETT: The Bill started by repealing the whole of the existing Act.

THE MINISTER FOR LANDS: The measure incorporated it.

HON. J. W. HACKETT: It was an amending Bill repealing the law that existed before, and incorporating a good deal of it in the new measure. We should aim at having a Bill which would not require tinkering next year or the year afterwards. He said advisedly that, in the opinion of many people, we might have a much stronger and much more workable Bill, which would stop agitation and enable hon. members to point to a statute settling the question for many years to come.

HON. F. T. CROWDER: The heat shown by some hon. members was to be deprecated. This question was of importance, and should be discussed in cold and not in hot blood. At the present day the Government were engaged in such enterprises as iron works, foundries, quarrying, gravel pits, and were indeed fighting against private enterprise in every kind of industry. If the Government would cease to interfere with private enterprise, and attend only to the proper functions of Governments, they might claim exemption. In the present circumstances he would vote for the retention of the clause.

HON. B. C. O'BRIEN: Mr. Hackett's comments on the half-hearted manner in which this Bill had been introduced by the Minister for Lands were fully justified. It was the duty of the Government, having introduced the Bill here, to stand by Clause 107 just as much as any other clause. From the attitude of the Minister for Lands one would gather that the Government would rather see the Bill thrown out than passed with this clause

in it. He had good reasons for believing that such was the feeling of the Government at the present moment. The statement that the clause represented an advance on the legislation of the world merely went to show that we deserved credit for introducing progressive measures. The only objection which certain hon. members appeared to have to the Bill was that it was too novel even for their advanced ideas.

HON. A. B. KIDSON: In cold blood, he would like to withdraw anything he might have said hurting the feelings of Mr. Hackett, or anything that might be considered unpleasant; and he did this very heartily.

HON. J. W. HACKETT: No doubt the hon. member's observations had been misunderstood by him, and he also desired to withdraw any remark of his to which exception might be taken.

HON. J. D. CONNOLLY: Notwithstanding all arguments to the contrary, he was in favour of the clause. He failed to see why the Government, as undoubtedly the largest employer of labour in the State——

HON. F. T. CROWDER: The Government had no business to be.

HON. J. D. CONNOLLY: That was another question. Why should not the Government, as an employer, be subject to the same conditions as private employers?

HON. G. RANDELL: By this clause, the Government would be under different conditions.

HON. J. D. CONNOLLY: That was not his view. It had been said that the late railway strike would never have occurred if a clause similar to 108 had been included in the existing Act. We had had experience of the disastrous effects of a strike in one branch of Government employment, and we did not know when a strike might arise in another branch. If experience showed that it would have been well to provide a safeguard in one case, it might be reasonably argued that it would be well to provide a safeguard in others. He would vote for the clause as it stood.

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

Ayes	...	...	11
Noes	...	...	6
Majority for	...	...	5

AYES.	NOES.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. E. M. Clarke	Hon. F. T. Crowder
Hon. C. E. Dempster	Hon. J. W. Hackett
Hon. R. S Haynes	Hon. B. C. O'Brien
Hon. A Jameson	Hon. J. M. Speed
Hon. A. G. Jenkins	Hon. J. M. Drew
Hon. A. B. Kidson	(*Teller*).
Hon. R. Lauric	
Hon. G. Randell	
Hon. J. E. Richardson	
Hon. R. G. Burges	
(*Teller*).	

Amendment thus passed, and the words struck out.

HON. C. E. DEMPSTER: The whole of the clause should be struck out.

Question (that the clause as amended stand part of the Bill) put, and a division taken with the following result:—

Ayes	...	...	9
Noes	...	...	4
Majority for	...	...	5

AYES.	NOES.
Hon. G. Bellingham	Hon. R. G. Burges
Hon. E. M. Clarke	Hon. C. E. Dempster
Hon. J. M. Drew	Hon. G. Randell
Hon. R. S. Haynes	Hon. J. E. Richardson
Hon. A. Jameson	(*Teller*).
Hon. A. B. Kidson	
Hon. B. C. O'Brien	
Hon. J. M. Speed	
Hon. A. G. Jenkins	
(*Teller*).	

Question thus passed, and the clause as amended agreed to.

Clause 108—agreed to.

Clause 109—Unions of Government employees:

THE MINISTER FOR LANDS moved that the following new sub-clause, to stand as Sub-clause 7, be inserted:—

> In making any award under this section the court shall have regard to the provisions of any Act in force relating to the classification of the Department of Government Railways.

The Government had intended to insert this in another place, but through some oversight that was not done. It was proposed so that in the event of any measure being brought in regarding the classification of the Department of Government Railways this clause should not interfere with it.

Amendment put and passed, and the clause as amended agreed to.

Clauses 110 to 119, inclusive—agreed to.

Schedule, preamble, and title—agreed to.

Bill reported with amendments, and the report adopted.

WINES, BEER, AND SPIRIT SALE AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

COOLGARDIE WATER SUPPLY LOAN REALLOCATION BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

BRANDS BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

DIVIDEND DUTY AMENDMENT BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

WORKERS' COMPENSATION BILL.

SECOND READING.

Debate resumed from the 29th January, on the motion by the Minister.

HON. F. T. CROWDER (East): This is a Bill extending the liability of the employer in regard to accidents, and at the same time it extends the right of compensation to the working man. A Bill somewhat on the same lines as this was introduced in the Imperial Parliament in 1897. I have carefully gone through that Act, and also read the exhaustive debates in that year on the measure. I find that in principle this Bill is pretty similar to the one introduced in the Imperial Parliament, although the expressions are somewhat different. The existing rights of workmen to compensation under the present law are afforded by common law and the Employers Liability Act. Both of these make it necessary on the part of the employee to establish negligence. Under this Bill it is not necessary to establish negligence. I find that under the Mines Regulation Act of 1895 it is taken for granted that if there is an accident there is negligence. This Bill goes farther than even the Mines Regulation Act, for under it an employer is liable if the employee meets with an accident occasioned by the negligence of a fellow employee. Upon the first blush it seemed to me that this was a very harsh measure indeed, but having looked at all the surrounding circumstances I have somewhat altered my opinion, and I think members will agree with me when I explain the Bill. I am sure members who represent the goldfields will admit that there are many cases where great hardship has arisen in which some men have been maimed for life and others injured through the negligence of fellow employees, and they have not been able to get compensation from the owner or mine manager. For instance, take a shift working in a mine. They take shift and shift about, day in and day out, and night in and night out. A shift has been engaged in sinking holes and in blasting. It is supposed before the shift leaves the mines those holes have been exploded. The new shift goes to work, and no sooner are the men in the mine than an explosion takes place, killing some and maiming others. Under these circumstances miners who are maimed, and the wives and families of miners killed, have no claim whatever on the mine owner or the mine manager. Again, take the case of an engine-driver. The mine owner, before employing an engine-driver, takes care to see that the man has a certificate. Having satisfied himself on that score, the mine owner has saved himself from liability for the consequences of any accident through the neglect of the engine-driver. The engine-driver for many days, or months, or even years, may attend assiduously to his work; but one morning, perhaps after a spree, he presses the wrong spring and wallop go the men to the bottom of the shaft. The men may be killed, or so injured as to be permanently incapacitated, but the mine owner is not liable for damages, having satisfied himself that the engine-driver holds a certificate. Under this Bill, the mine owner is liable for compensation; and I consider it only just to those injured, and to the families of those killed, that compensation should be given. The Bill, of course, supposes that employers will insure. So far as I can see, employers will be able to gauge the annual expense very closely. The measure will bear no more hardly on one section of the people than on others. Of course, insurance is not directly made compulsory by the Bill. When a similar measure to this was passed by the

Imperial Parliament in 1897, it was looked on as a pure experiment. Inasmuch, however, as the Bill has been in operation in Great Britain for two or three years, and was farther extended last year by the inclusion of agricultural labourers within its scope, it may be assumed that it is working well. My view is that the Bill being in the nature of an experiment here, the definition of "employer" is a little too wide. When the Bill is in Committee I shall move in the direction of having the interpretation of employer limited to persons employing not less than five workers. Clause 6, which provides that no person shall receive compensation unless hurt to such an extent that he cannot work for at least two weeks, is, like nearly all the clauses of this Bill, very fair. Farther, we find that although the workers' remedies under the Common Law and the Employers' Liability Act will not be repealed, yet the measure contains a clause forbidding the bringing of actions under all the different laws. It is laid down that if a workman instead of taking compensation sues under the Common Law or under the Employers' Liability Act, and is held by the court to have no claim, the court may yet award him compensation under this Bill; but before paying over the compensation will deduct the cost of the unsuccessful action. One of the chief reasons which induce me to support the Bill, is that it will tend greatly to reduce the number of cases now brought into the courts, in which the man who is injured gets very little out of a verdict in his favour. We know that endless speculative actions are brought. I intend to deal with this subject at some length. These speculative actions, I am prepared to prove, are taken up as a matter of business by certain people, especially on the goldfields. These individuals take the cases to a solicitor, who stands in with them; and the cases are then brought before the Courts. Although the insurance offices in many instances offer to pay damages, the amounts offered are refused; because the parties concerned can make two or three hundred pounds more by bringing a case to trial than by settling it out of court. I trust the legal members will not think that my references to solicitors are intended as a tilt at them. I have the greatest respect for the legal members of this House, and, indeed, for most lawyers. But my hon. friends know that in every trade and profession there are black sheep. I am sure they recognise what I state as a fact, and regret it as much as I do. [HON. A. B. KIDSON: Hear, hear.] To give a specific instance in proof of my assertions, and also to show to what an extent this system of blackmailing is carried, I shall read a copy of a signed agreement in my possession. I will not mention the names, because I hope the outcome of this beautiful document will be that before many weeks are over the gentlemen whose signatures are attached to it will sit in repentance over bread and water in His Majesty's gaol. The agreement, omitting names, reads:—

> An agreement between of of the first part hereinafter called the plaintiff and and both of of the second part hereinafter called the backers.
>
> Whereas the plaintiff intends to bring an action against the Gold-mining Company, Limited, on account of personal injuries received while working at the battery of the said company, the backers agree to pay jointly and severally all expenses whatsoever in connection with the said action for damages.
>
> However, the plaintiff will have to pay his own personal expenses for travelling and staying down in Perth, all other expenses will have to be paid by the backers.
>
> In the event of the verdict being in favour of the plaintiff, then the plaintiff shall get one-third of the amount of said verdict clear of all expenses whatsoever, and the backers shall have two-thirds of the same verdict, in full compensation for the risks they will have incurred or run, in undertaking to pay all expenses, whatever the verdict might be.

This agreement is dated and signed by the three people concerned.

MEMBER: That is champerty.

HON. A. B. KIDSON: Maintenance.

HON. F. T. CROWDER: I know this sort of business has been carried on to no inconsiderable extent. One firm of solicitors, in particular, has had from 15 to 20 of such cases, and has grown very fat on them. The passing of this Bill will tend to stop absolutely these blackmailing cases; because an injured man, or the relatives of a man unfortunately killed, will know exactly what compensation the measure allows. The amount cannot be more than £400. If the amount of compensation under this measure be refused and the party concerned proceeds and fails under the

Liability Act, the costs, as I have said before, will be deducted from the amount payable under the provisions of this Bill. The passing of the measure will, therefore, under the Common Law or under the Employers' Liability Act mean that the gentlemen who have been running on the goldfields the nice fat trade I have described, have to give up business.

HON. J. W. HACKETT: Can that practice be stopped under this Bill?

HON. F. T. CROWDER: The effect of the Bill will be to put a stop to the practice. On the second reading of the Bill Mr. R. S. Haynes referred to the rates charged by insurance companies. I understood Mr. Haynes to state that certain insurance companies had increased their rates sixfold during the last month. To a certain extent that is true; but what is the reason for the increase? Anyone who has, like myself, looked into the matter knows that the insurance companies have gone down in every case brought against them; so that it was for them a case of either raising rates or retiring from the business altogether. In the case of one insurance company I know of, the managing director came out from London, looked into affairs, and ordered the business to be closed up. The company had on various occasions offered to pay the damages claimed by the other side; but the solicitors for the plaintiff would not settle, because they could make £300 or £400 more by carrying the case through the Supreme Court. The same difficulty has been experienced by all the companies, and they have in consequence been forced to put up their rates. I believe the passing of this Bill will have a tendency to bring rates down. Even at present they are not so exorbitant as to debar employers from insuring. The only companies now insuring against accidents to workmen in this State are the Commercial Union Assurance Company, the Ocean Accident and Guarantee Company, the Colonial Mutual Fire Insurance Company, and the New Zealand Accident Insurance Company. The rates of these companies for insurance under the Mines Regulation Act, under the Employers' Liability Act, and under the Common Law, are as follows: for a limit of £500, 20s. per cent.; for a limit of £1,000, 25s. per cent.; for a limit of £1,500, 27s. 6d. per cent.; for a limit of £2,000, 30s. per cent.; and 5s. per cent. additional for every additional £1,000 or portion of £1,000. I have gone carefully into the rates charged in South Australia, and find that, taking them all through, they average about 15s. per cent.

HON. J. W. HACKETT: By whom are these rates fixed? By the Government or by the companies?

HON. F. T. CROWDER: By the insurance companies. I do not think there is much fear of a ring being formed in the event of this Bill being passed; because employers can insure in South Australia or in the other States. This circumstance would tend to keep rates down.

HON. R. LAURIE: They are all the same offices.

HON. F. T. CROWDER: There are other offices in the Eastern States.

HON. R. LAURIE: No. They are the same offices.

HON. F. T. CROWDER: Clause 20 I consider a very necessary one. I have had some considerable experience of accident policies, and I have never yet known one which the companies could not get out of if they liked. Clause 20 vests power in the Governor to make regulations insuring a satisfactory form of policy. Clause 21 repeals sections of the Mines Regulation Acts of 1895 and 1899. Those sections had to do with *primâ facie* evidence of negligence, and they are just as well repealed. If hon. members will study the Bill they will see that it is a really good piece of legislation. I am unable to see that it will bear heavily on any section of the community; because under it the cost of accident insurance will have to be taken into consideration just as insurance of buildings and stocks against fire is now taken into consideration. At present, the expense consequent on accidents is borne partly by the private employers and partly by the Government. The present measure will tend to prevent poverty and to create a better feeling all round. With one or two amendments, which I shall move in Committee, I am thoroughly in accord with the Bill. I shall, therefore, support the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

SIR GEORGE SHENTON took the Chair.

Clause 1—agreed to.

Clause 2—Interpretation:

HON. F. T. CROWDER moved that words be added to the paragraph beginning "employer" as follow:—"But shall not include persons employing less than five persons." As this Bill was an experiment, it was just as well to have these words inserted, because there were so many persons at the present day who were only employing one or two people. There might be a master and two men, and through the negligence of one, the two persons might receive injury, and they could ruin the master, who would have nothing to fall back upon at all. If we allowed the interpretation of "employer" to stand as at present, the tendency would be to throw the work into the hands of people with a lot of money instead of allowing small people to start to work. In England the measure was looked upon as an experiment.

HON. A. B. KIDSON: It had worked badly in England.

HON. F. T. CROWDER: It had worked satisfactorily in England, to a great extent.

HON. A. B. KIDSON said he had just come back from England.

HON. F. T. CROWDER: The hon. member was not there long enough to know anything about it.

HON. A. B. KIDSON said he was there six months.

HON. F. T. CROWDER: The Act was added to last year by including agricultural labourers: they were not included in this measure.

HON. G. RANDELL: The measure included those who used machinery.

Amendment put and passed, and the clause as amended agreed to.

Clauses 3 to 21, inclusive—agreed to.

Schedule 1:

HON. F. T. CROWDER: This schedule had been made as complete as possible; he did not think they could have got more into it unless they had also brought in "son-in-law" and "daughter-in-law."

HON. G. RANDELL: The old Act specified wife, parent, and child. In this Bill there was a saving clause, he believed.

HON. C. E. DEMPSTER: The measure was apparently another barrel to shoot the employer with. In every sense of the word it seemed to tend against the interests of the employer.

HON. J. D. CONNOLLY: The Bill did not apply to farmers.

HON. C. E. DEMPSTER: No; it applied to others, and justice should be done to both sides. However, as the measure affected mining men more than others, he would not move in the matter. By and by, when there were no employers, we should see what the result would be.

Schedule put and passed.

Schedule 2—agreed to.

Preamble, title—agreed to.

Bill reported with an amendment, and the report adopted.

KALGOORLIE TRAMWAYS AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson), in moving the second reading, said: I simply have to draw the attention of members to the fact that this is a purely formal Bill. It is a measure to confirm a provisional order which you will find set forth in the schedule. I think it is merely in connection with the tramways at Kalgoorlie, therefore I ask members to carry the second reading.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

ADJOURMENT.

The House adjourned at 18 minutes to 10 o'clock until the next Tuesday.