all probability he was fit to carry out that employment; whereupon the injured worker interviewed the management, who said they were prepared to give him a light job. He then interviewed the insurance company, and they offered him the magnificent sum of 30s. for the loss of an eye! And they refused to budge from that figure. In view of that and similar instances, I trust hon. members will see the wisdom of laying down in the schedule what an individual is entitled to when he meets with certain accidents. There is another provision which, to my mind, will do away with the possibility, or at least the probability, of malingering. The Bill provides that any person receiving compensation can make an application to the employer to be allowed the opportunity of attempting to resume work. Under the existing Act the mere fact of a man resuming work debars him from any future benefits in respect to his accident and, as a consequence, the insurance companies have had to pay considerably more money in insurance than, perhaps, there was any real necessity for them to do. Because, naturally, every worker receiving compensation required to be thoroughly convinced that the accident would not come against him again, and that he was thoroughly cured, before he would attempt to resume work. Under the present Bill, however, we allow a man an opportunity of resuming work, and if he finds he is not yet fit for work the mere fact that he attempted to resume work will not debar him from further enjoyment of the benefits provided by the Bill. I contend that this provision will, to a great extent, do away with malingering. There are several other slight amendments in connection with the measure which, I take it, will be fully dealt with in Committee. I honestly believe, as a result of the appeal made by the Attorney General, that there will be little or no opposition to a measure of this description, unless indeed that opposition is in the direction of increasing the amounts due to those entitled to them under the Bill.

Question put and passed.

Bill read a second time.

House adjourned at 9.59 p.m.

Legislative Council,

Wednesday, 16th October, 1912.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Papers relating to the retirement of Mr. D. B. Ord, formerly Chief Clerk in the Colonial Secretary's Department. 2, Report of the select committee of the Legislative Assembly on the Workers' Compensation Act Amendment Bill, 1910.

HIGH SCHOOL ACT AMENDMENT BILL SELECT COMMITTEE.

Extension of Time.

Hon. A. SANDERSON (Metropolitan-Suburban) moved—

That the time for bringing up the report of the select committee be extended for a fortnight.

If any explanation was required by members in regard to the request, it would be sufficient to state that, owing to the change in the constitution of the committee, members had not been able to meet for a week, and the examination of witnesses had not been completed.

Hon. W. KINGSMILL (Metropolitan) seconded the motion.

Question passed.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

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

Clause 7—Resolutions and rules to be passed before application made for registration:

Hon. J. F. CULLEN: The Honorary Minister's attention might be drawn to an ambiguity in the third line, which

might cause a lot of trouble to the societies. The clause stated that before a society could make application to be registered a resolution must be passed "by a majority of the members present in person." The real meaning of that was that there must be a majority of the whole of the members there. That was not the Minister's intention. The Minister's intention was the majority of those present. If the clause were allowed to remain as it stood, it would lead to a lot of confusion.

Hon. Sir E. H. Wittenoom: It means a majority of those who are in the room.

Hon. J. F. CULLEN: That was the intention, but that was not the meaning. He was placing before the Committee the ordinary reading which would be the legal reading. The Minister ought to get the Parliamentary draftsman to make the meaning entirely clear.

Hon. J. E. DODD: There did not seem to be much in the contention raised, but he would take the hon. member's advice and consult the Parliamentary draftsman, and if necessary, recommit the Bill.

Hon. D. G. GAWLER moved an amendment—

That at the end of Subclause 1 the following words be added:—"of which seven days' previous notice, specifying the time, place, and objects of such meeting shall have been given."

His idea was to make the matter clear, so that those attending the meeting of the society would have every opportunity of knowing the business, and so that the matter would be put on a proper footing.

Hon. Sir E. H. Wittenoom: The amendment will make the position much clearer.

Hon. J. E. DODD: The object which the hon. member was seeking to obtain was hard to follow. Everybody seemed to be safeguarded by the special meeting, which would be called for a special purpose, without seeking to put in anything else.

Hon. D. G. Gawler: There can be no objection to my words going in in order to make it clearer.

Hon. J. E. DODD: There might be no objection, but he could not see what good would be served by putting them in. If the amendment meant that a registered letter was a good one, because such a a union in order to call such a special meeting he could do nothing but oppose the amendment. If Mr. Gawler would consent to seven days' notice being given by advertisement in a newspaper an amendment in that form would be acceptable.

Hon. M. L. MOSS: The objection of the Honorary Minister to the registered letter was a good one, because such a method would put the unions to unnecessary expense. He would later move an amendment on Mr. Gawler's amendment to allow of notice being given through the Press.

Hon. F. DAVIS: In the case of unions having a very large membership the posting of a letter to each member would cost many pounds. At Kalgoorlie or Boulder an advertisement in the daily paper would serve all practical purposes, and would save a union considerable expense. Another difficulty was that if a letter was posted it did not follow that the addressee would receive it.

Hon. D. G. Gawler: It does not matter so long as the letter is posted.

Hon. F. DAVIS: Then what was the use of posting a thing if it was not to reach its destination? Surely the object of using the post was to ensure that the member received proper notice. It had never been the practice of the unions to send a letter to each member, because of the large amount of secretarial work and expense entailed.

Hon. A. SANDERSON: Personal experience of sending letters to electors showed that many of the letters did not reach their destination, and it was most distracting to find that £20 or £25 had been absolutely thrown away in postage. It was absurd to insist on sending a letter to each member, but if notice by post was insisted upon he would suggest that it should be by registered letter.

Hon. D. G. GAWLER: At such an important juncture in the affairs of a union that body ought to be able to afford the postage to send a notice to each member. The suggestion in regard to publication in newspapers seemed to be more objectionable than notices by post, be-

cause, whilst an advertisement might be effective so far as unions at Kalgoorlie or Boulder were concerned, yet in scattered districts the members would undoubtedly be more likely to receive notice by post than through the Press. As to the cost of postage, this was an initial expense and did not recur.

Hon. F. DAVIS: To quote an actual instance, when the brickmakers' union was in the process of formation the method adopted for calling meetings was simply to post notices in the various brickyards. As a result of these notices the men held meetings at different centres, and at each meeting the date and place of the next meeting was announced. The members were interested in the formation and registration of the union, they looked for the meetings, and there was no difficulty whatever in getting a majority of the workers at a meeting to deal with the question. That would be the general experience in other unions, so that there was no need to incur the expense of sending letters to each member.

Hon. M. L. MOSS: The clerks formed a very large body and they were not yet organised to any extent. If it was desired to organise them, it would be farcical if the meeting was not convened in such a way that a reasonable publicity of it was given, so that all who were interested might attend.

Hon. F. Davis: But they are interested and look forward to the date.

Hon. M. L. MOSS: The formation of a union was of great importance to the people interested, and there ought to be proper notice given so that reasonable publicity might be ensured and all members interested would get some kind of notice. Would the Minister agree to postpone the first part of Clause 7 and have an amendment drafted whereby notice could be given by advertisement?

Hon. J. F. CULLEN: It was undesirable to place in the Bill any hard and fast provision for notice by letter. For instance, in the case of the clerks, how could an official find out the names and addresses of all clerks in the City? It would be quite sufficient to insert "after due publicity" or words to that effect. One could conceive a position where there were 15 or 20 ardent souls who were desirous of forming a union whilst the majority of men interested did not wish to form a union; yet it would be open to the 15 or 20 to get together quietly and form a union which the others would be compelled to join or remain outside altogether. There were two sides to this question, and there should be provision for reasonable notice. Then if anyone raised a dispute it would be for the court to say whether reasonable notice had been given.

Hon. E. M. CLARKE: The whole case could be met by an advertisement in the newspaper circulating in the district. At election time one-half the letters sent out did not reach their destination. If a notice was published in a newspaper, the production of a copy of the newspaper would be absolute proof that notice had been given. That was the simplest way out of the difficulty.

Hon. J. E. DODD: The clause was not dealing with the formation of unions, and, therefore, members were arguing on a wrong assumption.

Hon. J. F. Cullen: It comes to the same thing.

Hon. J. E. DODD: No, a union might be in existence for a number of years before seeking registration.

Hon. M. L. Moss: A union without rules cannot be of any consequence, because it cannot be a union under the Act until it is registered.

Hon. D. G. Gawler: The registration of a union is very important.

Hon. J. E. DODD: That contention was admitted. The Kalgoorlie and Boulder miners' union and the big surface union on the Eastern Goldfields each had a large membership, and to some extent a floating membership. Probably in six months 500 members would leave and 500 new members join. If the amendment was carried it might happen that if one member did not receive the registered letter giving notice of the meeting, objections would be raised and trouble caused in the same way as had been experienced in the past. It was necessary to give three days' notice by registered

letter to each member to attend a meeting to deal with the question of citing a case before the Arbitration Court. In one case two men made affidavits that they had never received their notices, because they wanted to take a rival union to court. An instance like that would show the Committee that it was quite possible for a lot of trouble to arise if this amendment was insisted upon. Provision that an advertisement should be inserted in a newspaper would provide all necessary safeguards. He believed that whenever a society was seeking registration that application had to be sent to each registered society of employees, and also, he understood, to employers.

Hon. J. CORNELL: The form provided for in Clause 99 could be applied to this clause if the Honorary Minister had no objection. It provided that if notice could not be given through the Press it must be posted.

Hon. M. L. MOSS: An amendment just drafted would meet the case.

The CHAIRMAN: It would be best to deal with Mr. Gawler's amendment first, and then any other matter could come as an addendum.

Amendment put and passed.

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

That the following be added to Subclause 1 as amended:—"Such notice shall be given by publication of an advertisement in a newspaper circulating in the district in which the office is situate, and by posting a copy of the notice in a conspicuous place outside the said office."

Amendment passed.

Hon. Sir E. H. WITTENOOM moved a further amendment—

That the following be added to Subclause 3, paragraph (b):—"And that the notice shall state the place and object of the meeting."

Hon. J. E. DODD: The amendment might apply to special meetings but could not apply to general meetings of a union, which were usually held fortnightly.

Hon. J. F. CULLEN: There was no need for the amendment; it dealt with the matter of the internal working of a union, and it did not read in with the other words of the paragraph.

Hon. J. CORNELL: Under the procedure laid down by the registrar, the powers of a general meeting had to be specified, and what was not contained in the powers given to a general meeting by the rules of a union had to be dealt with at a special meeting. The procedure invariably was that such a special meeting should be called by advertisement specifying the object of the meeting, and no other business was allowed to take place at that meeting than was stated in the notice convening it.

Hon. Sir E. H. WITTENOOM: It was thought the amendment would improve the Bill. If it was the desire of the Committee he would withdraw it.

Amendment by leave withdrawn.

Hon. D. G. GAWLER moved a further amendment—

That after "State" in the last line of Subclause 4, paragraph (b), the words "or elsewhere" be inserted.

This paragraph provided that the funds of a union should not be applied in connection with any person engaged in a strike or lockout in this State. If it was illegal to aid strikes in this State, and if it was illegal to aid strikes in other States, we should not permit interfering with existing legislation in other States; if it was wrong to aid a strike in this State it was illogical for us to say that the unions could send money to aid strikes anywhere else. To be logical and make strikes illegal and not sustained by union funds, we should make the principle apply outside the State as well as inside.

Hon. J. E. DODD: The paragraph in the Bill was the provision in the existing Act as drafted by Sir Walter James, and it was in all the other Australian Acts. We asked unions in theory to give up the right to strike, and by several amendments we asked them to give up certain other rights, and why desire to limit the spending of money in this way? Years ago £30,000 was sent from Australia to assist the dock strike in London. He had contributed largely in this direction. No member of the House would object to

sending money out of the State on behalf of the strikers in a similar strike. In this Bill we were not dealing with what happened outside this State. Though there might be arbitation laws in some States, there were no such laws in other States. Suppose the funds were to assist a strike in a State in which there were no arbitration laws. Surely the right of a union to strike in such a State would be admitted. In such a case it could hardly be held as wrong for a union in this State to determine to help that strike.

Hon. D. G. Gawler: But you would allow them to send assistance to a State in which a strike was wrong.

Hon. M. L. MOSS: The hon. member had made a very lame attempt in opposition to the proposed amendment. It would be well understood that if there should be a big maritime strike in Australia the people of Western Australia would suffer tremendously by that strike, and it would be highly inexpedient that funds should be raised in the State for the purpose of assisting such a strike as that.

Hon. J. E. Dodd: But suppose a strike was justifiable?

Hon. M. L. MOSS: A strike would not be justifiable if it was in connection with the carriage of goods from one State to another, because such a strike was expressly forbidden by the Commonwealth Arbitration Act. To allow unionists in this State to assist such a strike would be, in effect, to provide the sinews of war for the purposes of continuing a breach of the laws.

Hon. J. F. CULLEN: If the clause remained in its present form there would be no difficulty in organising a system of inter-State swapping of funds. Why on earth, when providing a tribunal for the peaceful settlement of strikes, and when forbidding strikes, should Parliament leave the door open for a union to send union funds out to the support of strikes elsewhere? In the case of an excusable strike, as, for instance, that of the London dockers, there were other ways of sending money besides forwarding union funds. The bulk of the £30,000 which had gone from Australia to the assistance of that strike went from outside union funds altogether. He himself had been a contributor to that assistance.

Hon. A. G. JENKINS: The amendment went rather too far. Strikes in England might be perfectly lawful; why, then, should we prohibit men from giving money to a perfectly lawful object? A strike was unlawful in this State, but that did not make it unlawful in other States. Why should not the unions, if they thought fit, contribute money to a perfectly lawful object in any other State? It was not unlawful to strike in England, nor in Victoria. Moreover, there were such things as lockouts in both those places. He did not agree with the amendment. We would be taking a good deal too much on ourselves to say that a union should not contribute to a lawful object in another place.

Hon. D. G. Gawler: Suppose it is unlawful in that other place?

Hon. A. G. JENKINS: In such a case there would be some object in the amendment; but it was going too far to say that unions should not contribute to a strike in a place where strikes were not unlawful.

Hon. E. M. CLARKE: The Honorary Minister's sympathies with the strikers in England were easily understood; but what would the Minister do in respect to an unlawful strike in one of the other States? Would the honorary Minister as willingly send assistance to the people engaged in that unlawful strike, and who were really law breakers, as he would to the strikers in England? We must differentiate between those who were illegally striking and those who had a perfect right to strike. He himself would not object to contribute something towards lawful strikes, but he would not be caught giving anything to an illegal strike.

Hon. H. P. COLEBATCH: The clause should be regarded as having been inserted chiefly for the purpose of protecting minorities in the unions. By passing the Bill we were, to a large extent, making it compulsory upon employees in all industries to belong to

unions; and we were entitled to see that we protected the minority in a union against being compelled to contribute towards strikes, whether in this or in any other part of the world. Even if the amendment were agreed to it would still be open to any unionists who wished to contribute to a strike to do so, and unless we inserted the amendment a strike might occur in any other State of the Commonwealth, and a majority of a union might decide to send a large sum of money in support of that strike, thereby penalising the minority, compelling them against their will to contribute to an outside strike. Apparently the sole purpose of the clause was to protect the minority who did not wish to contribute to strikes within the State. He would support the amendment.

Hon. A. SANDERSON: It would not make much difference whether the proposed words were inserted or left out. Even if it were illegal to contribute to a strike, he himself might contribute to one if it seemed to him of sufficient importance, in which case he would cheerfully accept the penalty. Mr. Colebatch's appeal in regard to the clause appeared at first sight to be sound; but the majority of this Council, which was possibly a minority of Parliament, were seeking to restrict the rights of the majority of the union. It was hardly the same thing as restricting a company for some specific object, which was not only for the protection of shareholders, but, to some extent, for the protection of the public. If he understood the claim of unionists aright, they were world-wide and world-embracing; therefore, if they thought fit to send their money out of the country he did not know that we had any right to stop them. In the last strike of the timber hewers the men had flouted the law, and no one took the slightest notice of them. He would support the clause as it stood.

Hon. J. CORNELL: We should not be so much concerned about money going out of the country towards a strike as about money coming into the country to keep a strike going in this State. There would be some logic displayed if the Committee endeavoured to prevent money coming in to assist a strike in Western Australia. Parliaments had conclusively failed in their efforts to restrict the individual. At all times the individual found a way out. If the amendment were agreed to, the unionists would still find a way out. As it stood now, there was nothing whatever to prevent a union resolving to strike a levy of so much per member for the assistance of the wives and children of strikers. The amendment was an attempt to restrict the individual liberty of members of an organisation to do as they thought fit in respect to an occurrence outside the States. It was going to fail. There were societies in Western Australia today who had struck a levy and contributed so much per week to the miners in New Zealand. There was an Arbitration Act in New Zealand but it was lawful for unionists not registered under the Act to strike. Were the miners on the Eastern Goldfields doing wrong by sending money to New Zealand to assist the wives and families of the miners? The amendment was merely pin-pricks but they would be futile. A statute would not restrict the liberty of the subject in this way. If unions voted from their funds to assist strikes in other States, they would weaken their funds. That should tend to prevent strikes from occurring in Western Australia, and members should rather welcome the clause.

Hon. J. W. KIRWAN: If an industrial trouble arose in some other part and the members of a society of employers the party with whom they sympathised, there was no reason why they should not devote a portion of their funds to help the party with whom they sympathised. Mr. Colebatch had referred to the rights of the minority. If we took into account the minority, not only with regard to this Bill, but in reference to everything else in the State, we would have to revolutionise the whole system of government.

Hon. H. P. Colebatch: Not at all.

Hon. J. W. KIRWAN: In Parliament and in connection with public bodies and in scores of ways, the minority had to put up with the desire of the

majority. We should not prevent an expression of sympathy in the event of a great industrial upheaveal elsewhere, as it promoted good feeling. It would be regrettable if an amendment was passed to prevent unions from helping those with whom they sympathised.

Hon. R. J. LYNN: No injury would be done by accepting the amendment. If members of a union desired to subscribe in the event of a strike outside the State, they could put up a subscription list and those willing could contribute without doing anything illegal, under this clause. Mr. Colebatch was to the point when he said that if a minority had no desire to contribute out of the funds, no resolution of the union should compel them to do so in the form of a levy. If unions desired to subscribe to a strike fund outside of Western Australia, the mere fact of putting up a list would be sufficient to secure subscriptions.

Hon. R. G. Ardagh: That is just as illegal.

Hon. R. J. LYNN: It was not illegal because no resolution would be passed for a levy on the funds of the union. Members of unions had as much right to subscribe out of their private funds to strikes or lockouts as anyone.

Hon. B. C. O'Brien: Then why this anxiety for the amendment?

Hon. R. J. LYNN: The reason was that union funds were subscribed for specific purposes and the minority should not be placed in the position of seeing their funds voted away against their will. If individuals wished to be charitable, that charity should begin at their individual pockets.

Hon. Sir E. H. WITTENOOM: The primary object of a union was to benefit its members and funds were subscribed to further their purposes. It was not a question whether members of unions should help those striking elsewhere, but whether the funds of the union should be used for this purpose. There was nothing to prevent anyone who sympathised with a strike or a lockout from putting up a subscription list. If the specious arguments used by Mr. Cornell were allowed to pass and a levy was made, many union members would not like to refuse and would have to pay. With a voluntary subscription, each could follow the dictates of his own conscience. The amendment was a good one and he supported it.

Hon. B. C. O'BRIEN: Mr. Jenkins had put the case well when he said that if members of a union thought fit to send money to another State for a lawful purpose, we should not interfere. That would only be done after a motion had been carried by a majority of the members. The clause clearly set out that they should not contribute to any strike within the State. Members of unions were pretty conservative when it came to handling their funds, and only in urgent cases would money be sent outside the State.

Hon. D. G. GAWLER: Mr. Cornell had stated that strikes were not illegal in New Zealand.

Hon. F. Davis: In some cases where unions refuse to register.

Hon. D. G. GAWLER: Striking was illegal and the New Zealand Act provided that if a union instigated a strike, registration might be suspended for two years, and one of the offences was contributing to a party to an unlawful strike. That was practically similar to local legislation.

Hon. B. C. O'Brien: There is actually a strike now on at Waihi. How do you account for that?

Hon. D. G. GAWLER: One could not account for it but strikes were illegal in New Zealand. Take a definition of a strike in the Bill. It provided amongst other things "to compel their employer or to aid any other workers in compelling their employer to agree to or accept any terms or conditions of employment or with a view to enforce compliance with any demands made by any workers or any employer." It was admitted that it was morally wrong to compel an employer to accept the terms and conditions of employement. Then in Clause 105 it said that no person should encourage or take part in any strike, and if a person did so he would be liable to a penalty of £100. That made it quite illegal and morally unlawful to strike. It passed

his comprehension that, because such a thing was done in another State, it was morally right. Legally speaking his amendment should be accepted by the frends of the Bill.

Hon. J. E. DODD: Like Sir Edward Wittenoom he was astounded by the specious arguments used to induce the Committee to accept the amendment and especially the argument that the rights of the minority were to be protected. If that system was carried out right through it could be made to apply to almost every act of expenditure passed by a union except the mere fact of spending money on behalf of arbitration proceedings. There was a large number of unionists who did not believe in the benefits of unions at all, yet Mr. Colebatch would prevent the majority in a union spending money for medical benefits and various other benefits. If he (the Honorary Minister) had his way in connection with unions he would go for a union for unionistic benefits, not for the provision of natural death dues, fatal accident dues and anything in that way; but when he said unionistic benefits he meant benefits to be reaped by political action. During the last six months the miners' union had spent £698 in death dues, £18 10s. for one benefit, £36 for another benefit, £69 in accident pay, yet a number of the members in that union did not desire this expenditure. They desired to belong to a union formed from a unionistic standpoint. The clause as originally drafted by Sir Walter James had stood for ten years and why should members seek to restrict unionistic expenditure in this manner.

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

Ayes	12
Noes	10
Majority for	2

AYES.

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

NOES.

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

Amendment thus passed.

Hon. J. E. DODD moved an amendment—

That in Subclause 5 all the words after "rules" be struck out and the following inserted in lieu:—"or any amendment thereof may contain such other provisions not inconsistent with this Act or otherwise contrary to law as a majority of the members of the society or union present in person at any general meeting thereof may approve."

The object was to make it as clear as possible that the rules, or any amendment of the rules, which were not inconsistent with the Act might be made by a majority present at any meeting.

Hon. J. D. Connolly: The majority at a meeting was to be the judge, not the registrar or president.

Hon. M. L. Moss: You are taking out the safeguard of the registrar and president. Why is that?

Hon. J. E. DODD: Provided the rules were not inconsistent with the Act.

Hon. J. D. CONNOLLY: The amendment amounted to this, that a majority of the unions could insert practically any rules they liked at a general meeting. The Minister proposed to strike out the only safeguard which previously existed, namely, that the rules should be submitted to the registrar or president for approval. If the amendment were carried they need only be approved by a majority of the unionists assembled at a general meeting.

Hon. A. G. JENKINS: It would be better if the Minister explained whether what the previous speaker had stated was correct, and whether Clause 9, in the opinion of the Crown Law authorities, covered the position.

Hon. M. L. MOSS: The amendment moved by the Honorary Minister was quite all right. If these people made rules which were inconsistent with the Act there

was plenty of provision to go before the registrar or judge to get them disallowed, and of course if they were inconsistent with the Act they would be *ultra vires*.

Hon. J. CORNELL: This clause was in the present Act. The unions framed rules, and these rules were submitted to the registrar, and if they were in conformity with the Act the registrar would allow them, if they were not he would disallow them. Any amendment of the rules would have to be adjudicated on by the registrar in the same manner as the rules submitted at the outset.

Hon. M. L. MOSS: If members looked at Clause 20 they would find that copies of all additions or amendments of the rules would have to be sent to the registrar, who would register them upon being satisfied that they were not in conflict with the Act.

Amendment put and passed.

Hon. M. L. MOSS: The report of the Registrar of Friendly Societies for the year ended June 30, 1911, contained the following:—

> Under the Trades Unions Act the definition of the objects of "trades unions" is exhaustive and conclusive, and no union can be registered which is formed for any object other than those specified in the definition, unless, of course, such object is ancillary to the specified object; but Section 3 of the Industrial Conciliation and Arbitration Act makes no such limitation; and it might very well further and protect the interests of its members by political action.

He did not agree with the advice tendered by the Crown Law Department to the registrar. Rules should not be permitted which had for their object the aiding of political action. However, the Crown Law authorities thought otherwise, but the registrar was doubtful about it.

Hon. J. D. Connolly: It is a contradiction of the advice which they gave a couple of years ago.

Hon. M. L. MOSS: And it was contrary to what he (Mr. Moss) laid down when he was Minister in charge of the Crown Law Department. The question now was whether it was in the best interests of the country that the money which had been raised by these unions for the purpose of securing the benefits laid down in the Act, and under the Bill before members, should be utilised for political purposes. During the discussion on another part of the Bill earlier in the afternoon, Mr. Colebatch said that although we voted against the principle of preference to unionists, the policy of the measure was to force all workers into unions, and the membership of a union, so far as a worker was concerned, had become compulsory. It was therefore fair to assume that large numbers of persons in these unions and also in the larger unions which were contemplated were not of the one political belief. There might be large minorities who objected to the politics of the majority, and some members thought that the minority should always bow to the majority. It was the obligation of Parliament to see that minorities, and large minorities too, were protected, and that their funds were not utilised to further political action in which they did not believe. There was not much in the amendment which he was moving, if the remarks of the Honorary Minister, when replying to the second reading debate were accurate. He (Mr. Moss) had previously drawn the conclusion that large sums of money were devoted by these unions to political purposes, but he had been assured by hon. members who knew more about it than he did, that only a small proportion of the funds was utilised for political purposes. If that was the case, it was hardly worth members of the Labour party opposing the amendment. He moved an amendment—

> *That the following stand as Subclause 6:—"Provided that no society shall be or continue registered under this Act—(a) if the object or purpose of the society is to promote political interests; or (b) if the rules of the society contain any provision which permits, sanctions, or authorises the application of any part of its funds for political purposes."*

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. E. DODD : The amendment moved by Mr. Moss was probably one of the most important that could be moved to the Bill. In fact, after the appointment of a judge as President of the Court, it was very likely the most important that the Committee could discuss. The arbitration law existed for the settlement of industrial disputes, and it provided that registration might be secured by unions for the purpose of protecting or furthering their interests, whether they were unions of employers or workers. The protection and furtherance of the interests of the workers or employers could not be better secured than by political action. The change that had come over legislators in this respect during the last 20 years was remarkable. Twenty years ago when the strike method was in full force the worker was told to resort to the ballot box in order to secure some redress of his grievances, instead of resorting to the old method of the strike. The workers had taken that advice, and by that means had secured some representation in Parliament which had brought about an alleviation of the grievances under which they had suffered. There was no doubt that through the representation of labour in Parliament, redress had been secured for many grievances that had previously existed, and a number of laws such as the Workers' Compensation Act, of great benefit to the workers, had been brought into existence. Now, the workers were told that they should not allow political action within their unions, but must confine themselves entirely to the industrial aspect.

Hon. M. L. Moss : Do you know that when the first Conciliation and Arbitration Act was passed there was not a solitary labour member in Parliament.

Hon. J. E. DODD: That did not alter the argument. Possibly the Labour party were not altogether on the right line in devoting so much attention to putting men into Parliament. It was the forming of public opinion outside of Parliament that brought about many of the reforms, irrespective of whether there were Labour members in Parliament or not. The workers were seeking to bring about a public opinion that would result in the principles they believed in being placed upon the statute-book. The amendment sought to restrict the right of the unions to do what they chose with their own money, although it was already provided that the Arbitration Act was to enable the unions to protect and further their own interests. He could not see how unions could better protect and further their own interests than by political action, whether it was in the direction of putting men into Parliament or of educating public opinion. Another point was that although we could restrict the rights of a union of workers, it was almost impossible to restrict the right of a union of employers. We could not prevent a union of employers from spending what money they liked in political action.

Hon. Sir E. H. Wittenoom : You can penalise them, but you cannot penalise the others.

Hon. J. E. DODD : It was impossible to penalise the Chamber of Mines.

Hon. M. L. Moss : What is to prevent the workers from starting an organisation for political purposes apart from the organisations under this Act?

Hon. J. D. Connolly : The Chamber of Mines is not an employers' union registered under the Act.

Hon. J. E. DODD: Why would the Chamber of Mines not register? The mining companies would register as separate units, but the Chamber would not register as an organisation, and how was the Act to be enforced against the Chamber? It would be impossible to get an organisation of employers restricted to the objects of unionism, but with a union of workers some such restriction was possible. The amendment would not be capable of application to a union of employers. It could only apply to a union of workers. It was unnecessary to state what had taken place in England in connection with this matter, because about three years ago judgment had been given by which the unions were allowed to spend their money in any way they thought fit, but that judgment

had been upset lately, and a Bill was now being introduced into the Imperial Parliament to validate the spending of money for political purposes. Quite apart from that, the unions in this State were industrial unions and not trade unions. It was true they might be both, but the Bill dealt only with industrial unions.

Hon. D. G. GAWLER: Is that not the very reason why we should keep politics out?

Hon. J. E. DODD: No, because the best means of the unions furthering and protecting their own interests was by political action. First of all, the Committee had wished to restrict the expenditure of union funds to unionism, and now they were seeking to further restrict the expenditure in regard to politics. He hoped the amendment would not be adopted. This was one of the vital points of the Bill, and the Committee would stultify themselves by carrying such an amendment.

Hon. J. F. CULLEN: It would be a good thing if the unions would take up the principle embodied in the amendment, but it was a somewhat different matter for this House to say that they must take it up. The Minister was perhaps not aware that at the commencement of the political labour movement in Australia a clear line of demarcation was drawn between trades union functions and political functions. The real beginning of labourism in politics was in New South Wales, and the unions did not move at all. Political labour unions were formed strictly on party lines—a political labour party. That was a perfectly legitimate movement which all sections of the community in New South Wales welcomed as a good thing. It was quite true that the leaders of the trades unions played a prominent part in the political labour meetings, but the unions did not participate as unions. They were kept perfectly free of politics. Many members voted and acted on the other side in the political life of the country. How came the change? Men who liked short cuts said how much simpler it would be if the trades unions controlled the political machines and there was one organisation instead of two. That was a plausible enough argument, and the result was that the trades unions became almost the tool of the political party, and when a member joined a trades union he was almost perforce compelled to support and vote for one brand of politics.

Hon. Sir E. H. Wittenoom: As he is now?

Hon. J. F. CULLEN: It would be a good thing if the unions themselves would take this matter up seriously and resolve that, even at the cost of doubling their organisation, they would keep party politics outside of the unions.

Hon. F. Davis: What good reason is there why they should keep them separate?

Hon. J. F. CULLEN: Because, in the political arena, every man should be free to use his own judgment and there should not be the pressure of unionism compelling him to take one side of politics. Why should not trades unions include both Liberal and Labour supporters? If that could be brought about, it would vastly simplify the working of the unions and harmonise the lives of their members. But it was a different matter the House saying to the unionists that they could not have the Bill unless they adopted this reform. That would be more objectionable from the Labour point of view than the Osborne judgment in British politics. He could not vote for the amendment. There was a difference between saying that we would like the unionists to do this, and saying we would compel them to do it by putting it in the Bill.

Hon. H. P. COLEBATCH: As the proposal was on all fours with the one on which the Committee had divided before the adjournment, he supported it for the reasons that had actuated him in supporting the prior proposal. The Bill contemplated that no one should take advantage of the principle of compulsory arbitration unless he belonged to a union of employers or to a union of employees, and as it made contributions to the funds of one or other of these unions compulsory on the part of anyone wishing to take advantage of the Act, unless the provision proposed by Mr. Moss was inserted, no

one could take advantage of the Act unless he was prepared to make contributions to the funds of the Political Labour party or the Liberal party, as the case might be. According to the Honorary Minister unions should have the right to do what they liked with their funds.

Hon. J. E. Dodd: For the protection of their interests.

Hon. H. P. COLEBATCH: Mr. Kirwan had twitted him with saying that the rights of minorities should be respected, but unions were not dealing with their own funds, they were the funds of people compelled to contribute in order to take advantage of the Act. In every instance where there was compulsory contribution, as in the case of municipalities or public companies, the matters on which the moneys so contributed could be expended were definitely and finally laid down, and it was not open to the majority to dictate in which manner the moneys contributed by the different members were to be spent. Thus it was laying down no new principle in saying that the funds people were compelled to contribute in order to get advantage from the Act should be applied for the purpose of the Act only. On the second reading he had spoken of the manner in which one active worker in unionism had been treated by the Political Labour party because he exerted himself to secure the defeat of the Labour candidate at a municipal election, seeing that he held the view that the vote in municipal matters should be restricted to ratepayers. This man was content that a portion of his contributions to the unions should be paid to the Political Labour party, but he entirely objected to them taking his money and also endeavouring to bind him in all matters of that description. According to Mr. Dodd it was impossible to bind unions of employers. That was not so. A large number of the members of the Farmers and Settlers' Association were staunch supporters of the Labour party, and it was certain that they would object to any portion of their contributions towards that association being applied to the funds of a political party to which they were opposed. From all points of view it was improper and unjust that no man should be allowed to take advantage of the Act unless he was prepared to make contributions to the funds of the Liberal party or the Labour party. Wherever we made it compulsory for people to make contributions to gain benefits, we were entitled to say how that money should be spent, and to protect the minority against their moneys being spent in a way entirely beside the Act, and in a way they did not approve of.

Hon. J. W. KIRWAN: Mr. Cullen seemed to fully appreciate the serious import of the amendment. It would have the effect of completely revolutionising unionism in this State. One could hardly think of unionism, at any rate so far as the mining parts were concerned, unless it was associated with political action. A large proportion of the legislative reforms in the Federal and State Parliaments had been brought to their present position owing to the fact that direct nominees of the Labour party had been returned to Parliament. When unions considered it advisable to further their purpose by means of political action it was preferable to strikes or other undesirable methods, and it was extremely unwise of Parliament not to allow them to take such political action in the future. It would be going too far and would effect a complete revolution. It would apply not only to employees, but also to employers. If an employers' association considered that the interests it had in view could be promoted by contributing to the Liberal party or any other party why should it not do so? There might be members of an employees' union who were not supporters of the Labour party, but they were very few and far between. If we tried to legislate for individual cases, where were we going to end? Speaking in a broad and general way, it was fairly right to say that the great mass of the members of the labour unions were supporters of the Labour party, and that practically all the members of the employers' unions were supporters of the Liberal party.

Hon. M. L. Moss: That could hardly be so in view of the last elections.

Hon. J. W. KIRWAN: One failed to see the relevancy of the hon. member's re-

mark. The last elections were decided by the enormous bulk of people who came between the employers and the employees. Members should seriously consider the far-reaching nature of the amendment before deciding upon it.

Hon. M. L. MOSS: The amendment was to all intents and purposes equivalent to the legislation introduced in the Imperial Parliament to get over the judgment delivered by the Law Lords in the celebrated Osborne case, and the position the unions took up in Western Australia was very similar to that taken up by the unions in England. According to the *Law Times* it was strenuously alleged by the unions that it was lawful under the Trades Union Act to apply their funds for Parliamentary representation and they contended that the Act diminished their pre-existing powers. Against that it was urged that the trades unions were creatures of a statute, that they were brought into existence for a definite purpose, and that the expenditure of their moneys in connection with political action was unlawful. Lord Macnaghten had not hesitated to draw a distinction between organisations of a political nature and combinations for trade purposes, and had dwelt on the indisputable fact that the statutes nowhere by reasonable implication afforded the powers claimed; nor would Lord Macnaghten give any countenance to those powers being spelt out as "incidental" or "ancillary" or as "conducive" to the plain programme of trade union activity. This view was fatal to the validity of a rule purporting to confer such a power, although it appeared that the authorities who had advised the Registrar under our Trades Unions Act were of a different opinion. The Bill introduced in the Imperial Parliament provided that the funds of a trades union were not to be applied directly, or in conjunction with any other body in the furtherance of certain political objects except under certain conditions. The political objects hit were set out in a subsequent clause. They included the expenditure of money on (a) direct or indirect expenses incurred by a candidate for Parliament or other public office before, during, or after the election in connection with the candidature; (b) the holding of meetings or the distribution of literature; (c) the maintenance of any person holding a public office; (d) the registration of electors or the selection of a candidate for Parliament; (e) on the holding of any sort of political meetings, or on the distribution of any political literature unless the main purpose was the furtherance of statutory objects. That was the essence of the Bill introduced into the Imperial Parliament, not by a private member but by the Government. It was a Government Bill, introduced as a result of the Osborne case. After it had been decided by the House of Lords that the expenditure of trades' union funds was unlawful, the Imperial Government had placed a considerable sum on the Estimates to provide £400 per annum for each member of the House of Commons, and by this had precluded trades unions from pleading that the House of Commons was a place where only rich men could gain admittance. We had payment of members in this State, and in asking the Committee to agree to this amendment he was only asking them to do that which the Imperial Parliament had said was a necessary corollary to the Osborne judgment.

Hon. J. W. Kirwan: Does the hon. member approve of all the legislation of the Imperial Parliament?

Hon. M. L. MOSS: What was the good of the hon. member putting such an irrelevant question? He (Hon. M. L. Moss) was merely agreeing with the particular Bill referred to, and trying to induce the members of the Committee to accept its principle. The hon. member had said that this principle could only be applied to a union of workers. As a matter of fact these provisions would equally well apply against a union of employers. Mr. Colebatch had properly stated that the contributions to unions, whether of employers or workers, was compulsory. If the workers were prepared to do what, apparently, the employers did, and form independent political organisations, there was nothing in the amendment which would prevent them from doing it. They would be en-

titled to form any organisation for the purpose of advancing their political interests. The main point of objection which all fair-minded people would have was that it was grossly unfair to compel the minority in a union formed for industrial purposes to contribute towards political purposes with which that minority might be entirely out of sympathy. The amendment was strictly in keeping with the attitude of the Imperial Parliament, and represented a logical and fair position.

Hon. J. D. CONNOLLY: The amendment moved by Mr. Moss was in conformity with the existing Act. The Bill was at variance with the existing Act, which provided that union funds could not be used for political purposes.

Hon. J. E. Dodd: Where does it provide that?

Hon. J. D. CONNOLLY: Possibly it was not quite correct to say that it was expressly provided, but it was correct to say that it had been ruled that it was against the Act for any union to use its funds for political purposes. When, in 1906, he accepted office as Colonial Secretary, it was part of his duty to administer the Industrial Arbitration and Conciliation Act. At that time the question was exercising the minds of the unions, and of the registrar, as to whether unions could use their funds for political purposes. The registrar had refused to register under the Trades Union Act, or the Industrial Conciliation and Arbitration Act, any union whose rules contained a provision enabling them to use their funds for political purposes. The attention of the registrar was drawn to the Osborne judgment, and he had put the question to the Crown Law Department.

Hon. J. E. Dodd: His attention had been drawn previously to that. Who drew his attention to it?

Hon. J. D. CONNOLLY: It mattered not for the moment who had drawn the registrar's attention to the case.

Hon. J. E. Dodd: Why not begin from the beginning?

Hon. J. D. CONNOLLY: The period spoken of was the time when first it was brought under his (Hon. J. D. Connolly's) notice. Mr. Moss, who was then acting as Attorney General, had advised that it was illegal to use union funds for political purposes, and advised the registrar that it would be wrong to register any unions whose rules provided for such use of their funds. A deputation waited upon him (Hon. J. D. Connolly) complaining of the registrar's decision in refusing to register these unions, and in reply to this deputation he had promised to submit the matter to Cabinet, and to get the advice of the Crown Law authorities on it. The Crown Law advice was that the registration of such unions would be illegal, and Mr. Keenan, the then Attorney General, also advised that it would be illegal. Yet in the report of the Registrar of Friendly Societies, dated June, 1911, it was stated that it was not illegal for unions to use their funds for political purposes. That advice was in direct contradiction to the advice given in 1905. After going into the matter he had not ordered the registrar to register these unions, but had told the registrar that he was right in refusing to register them. As the Honorary Minister was aware, he had offered to have a case stated in order that a test case might be cited, but the deputation had not availed themselves of that offer. In 1907-8 there had been a great deal of discussion on the question, but after that, apparently, the unionists had accepted the condition. More particularly on the Eastern Goldfields was the discussion warmly carried on. The *Kalgoorlie Miner* of that period had published the following:—

> The Act was framed for the purpose of providing a means for the settlement of industrial disputes. There is no indication in the Act that the question of the possibility of unions becoming political organisations was taken into consideration. The registration of unions was provided for because, failing such registration, they could not be brought or bring themselves under the operation of the Act, and consequently the strikes and lock-outs which the new law was framed to prevent could not be compulsorily prevented.

Then the same journal had gone on to say—

> The Arbitration Act was framed, not to give *locus standi* to political clubs and organisations, but to settle disputes in industrial affairs.

That expressed the opinion of that time very well. In another issue the *Kalgoorlie Miner* said—

> Some of the unions suggested a conscience clause in their rules; that is, that no man's subscription could be devoted to political purposes except with his consent.

In other words it was suggested by the unions that the registrar should be allowed to register a union which had rules providing a conscience clause. That, however, was not allowed, because numerous members of unions had waited upon him and pointed out that it would be impossible for them to resist a levy made at a meeting of the union. These unionists had pointed out that it was very easy for every person who wished to contribute to the Political Labour Party to join a political body, and not be compelled, as they were, to contribute out of the funds of the union to the Political Labour Party, which some of them did not support. Later on the *Kalgoorlie Miner* said—

> The way out is simple and clear. If a body of men wish to enjoy the privileges provided by a compulsory Arbitration Act, and if they desire at the same time to raise funds for political purposes, they could get over the difficulty by splitting themselves into two separate and distinct organisations, one for trade union purposes and the other for purely political purposes. This would suit all concerned.

That was the opinion after the matter had been fully discussed by the leading paper of the goldfields, and he mentioned the goldfields particularly because this was never a live question in the metropolitan area.

Hon. J. F. Cullen: Are those editorial extracts?

Hon. J. D. CONNOLLY: Yes. Another extract stated—

> Many there are, of course, who prefer sticking entirely to their trades, and it would be very hard on them if they found themselves forced to subscribe to what to them is outside purposes.

That was exactly how unionists had expressed themselves to him. Later on, in 1907, the *Kalgoorlie Miner* stated—

> If, as some assert, the only result so far of combining politics with the regulation of industrial affairs, has been the personal advancement of a few ambitious individuals who hate all kind of work other than that performed by the tongue, this proves nothing more than that the choice of parliamentary representatives had been conducted on wrong principles.

Hon. J. E. Dodd: Mr. Kirwan was away on a holiday when that was written.

Hon. J. D. CONNOLLY: No, he was in Kalgoorlie at the time. The extract continued—

> Objectors complain that a great part of the union funds is devoted to the paying of salaries to union officers who, bar attending at an occasional deputation, spend most of their time preparing for getting themselves into Parliament. If such men be ultimately sent forward under the guise of representatives of Labour, no one can wonder if many think politics should be kept distinctly apart from industrial pursuits.

In another issue the position was summed up in a nutshell—

> The primary object of unions was to organise Labour and by combination and agreement to secure fair treatment and fitting reward for their services.

Again the *Kalgoorlie Miner* stated—

> A man may be a trades unionist and yet object to money he contributed for other purposes going to support the Labour party, or it may be that a man wishes to become a member of a union but fears he will be required to contribute towards a political party with which he is not in agreement.

These extracts showed the feling of the Press on the goldfields. They summed up the position and it was unnecessary for him to labour it further. He challenged the Minister to put forward any reasonable argument against the amendment. What could be the objection if a

unionist wished to contribute only to the Labour fund? Why should he not do so without coercion to contribute to the political fund? At elections on the goldfields some of his employees had told him that a levy of sixpence or a shilling had been made and they had had to contribute to it, but for all that they would not vote against him. Nowadays a man must belong to a trades union if he wanted to live. He had nothing to say against trades unions, but it was going too far, after having given them the protection of the Trades Union Act and a Conciliation and Arbitration Act, providing that none except those registered should approach the court, for the Minister to ask that every person who enjoyed these privileges must contribute to the political Labour fund. It would be as unjust as passing a Bill for the protection of the Liberal Club. He remembered when the A.M.U., of which Mr. Dodd was the general secretary, were quite opposed to using their funds for political purposes. In 1902/3 there were two organisations on the goldfields, the A.M.U. and the A.W.A., and a feud existed between them for years. The A.M.U. said they were trade unionists pure and simple and the A.W.A. set themselves up as a political body. Later on they amalgamated, and when the A.M.U. registered under the Arbitration Act, they distinctly provided in their rules that funds should not be used for political purposes. That was about 1904. Later on branches sought registration which the registrar refused and hence the trouble arose. The conscience clause was no use at all; unionists objected to it. They held it was not politic to refuse to contribute to a fund if a levy was made through the union. There could be no legitimate reason why they should not be allowed to have a free hand to join any political organisation they liked. Why should it necessarily follow that unionists should be Labour in politics. He trusted the amendment would be carried.

Hon. J. E. DODD: It was satisfactory for him to have the opportunity of putting Mr. Connolly right. That member stated that a decision was come to by the Crown Law authorities in 1906 that it was illegal to include political action within the rules. That was when the Government, of which Mr. Connolly was a member, came into office. The commencement of this trouble dated from the debates which took place in the Federal Parliament. The unions were registered with the words "political action" included at the commencement—that was from 1902—and no objection was raised to the unions being registered with those words included until the latter end of 1905. It was owing to the registrar reading those debates that the matter was first brought forward. When the miners sought an amendment of a rule not dealing with political action at all, the registrar refused to register the amendment until the rules providing for political action were also amended. That was the beginning of the trouble with regard to political action. The miners' union refused to do so, and after considerable delay in the matter the registrar wrote a minute suggesting that the decision should be waived and that the amendment should be registered. The registrar's minute was overruled by Mr. Connolly and submitted to Cabinet, and Cabinet upheld the decision of the Minister that the amendment should not be registered. The matter was hung up for some time until a deputation interviewed the Minister and the Minister was firm in his decision and refused to register the union, but in 1908 the then Premier, Sir Newton Moore, he thought, stated in Parliament that he would not continue to refuse to register unions on that ground and not one solitary union had given way in connection with the matter. Not only the miners' unions on the fields but a number of others and the head body on the coast, the Trades and Labour Council, refused to register any amendments despite the fact that serious trouble was eventuating in Kalgoorlie at the time. The unions preferred to wipe the registration out altogether and resort to other methods of settling their disputes, either by mutual agreement or a strike, rather than submit to such a proposition. Mr. Connolly had stated that it was not

known to the Crown Law authorities of the time. All he (Mr. Dodd) could say was that it had been the opinion of the Solicitor General ever since he had given an opinion on it.

Hon. J. D. Connolly: I think I can find an opinion of his which was different.

Hon. J. E. DODD: If it was not the opinion of the Solicitor General from the first time he gave an opinion, he (Mr. Dodd) was grievously mistaken, and it was the opinion of the Crown Solicitor also at the present time. Mr. Connolly had drawn attention to the two unions, the A.M.U. and the A.W.A., but the principal point at issue was that the A.W.A. was a composite union, composed of anyone and everyone, irrespective of whether they were employers, publicans, or whoever they were. It was not his intention to rake up old sores, but there were certain matters that had taken place in connection with the A.W.A. that made it desirable for a more restricted union to be formed. The difference was that the miners' union did not believe in politics being discussed at their meetings, and one of the most frequent causes of disruption was the introduction of politics at union meetings. It was at the meetings of the A.L.F. that the political battles were fought and political action was discussed. The A.W.A. discussed only matters affecting their union. The Committee had no reason to believe that the unions would adopt any other method than that which had been adopted already, and he was just as certain that the unions would not register if political action was to be taken from the rules. Some reference was made by Mr. Connolly to illegal combinations and the possibility of the conspiracy laws being called into action.

Hon. J. D. Connolly: I said they could be called into action.

Hon. J. E. DODD: The best organiser ever the Labour party had in Australia was the putting into effect of the conspiracy laws, and if we were to revert back to that method it was certain that it would still be the best organiser the Labour party could have. Once we resorted to coersive methods and declared that we would compel unions to spend their money in a certain way, then there would be no need for paid organisers.

Hon. J. D. Connolly: You are using the sick and accident fund for political purposes.

Hon. J. E. DODD: The amendment proposed by Mr. Moss would be an unfair and unjust restriction to place upon the right of the union to do as they liked in furtherance of their objects, and he hoped the Committee would not pass it.

Hon. A. SANDERSON: The weight attached to statements made in Committee seemed to be somewhat different from that attached to speeches made in the course of second reading debates, that was to say, that members by short interjections and short statements corrected each other in Committee when they found out exactly where they were. An illustration might be given of what occurred on the previous evening with reference to the statement made by the Minister in regard to the judges of the Supreme Court. He (Mr. Sanderson) heard that statement with astonishment and he also read with astonishment what appeared in the Press and he was somewhat surprised that the Minister had allowed it to go quite unnoticed.

Hon. J. E. Dodd: That statement will not pass unnoticed.

Hon. A. SANDERSON: It was satisfactory to know that. It was difficult to listen seriously when one heard hon. members like Mr. Moss and Mr. Connolly coming forward as the champions of minorities in trade unions. He did not wish to be offensive, but it must tickle hon. members to find ardent supporters of minorities coming from that part of the House. Members were compelled to listen with deference to any opinion expressed on legal matters by Mr. Moss, and he (Mr. Sanderson) listened perhaps with more deference than other members, but did Mr. Moss consider it a fair thing, with all the authority he possessed, to treat the Osborn judgment in the manner that he had done? Was it a fair thing to say that the Osborn judgment had any analogy in this country. The positions were en-

tirely different. In England the Labour party themselves had at a conference held last month shown themselves by an overwhelming majority to be totally opposed to the system of compulsory arbitration. The amendment submitted by Mr. Moss dealt with the question of whether trades organisations should be permitted to use their funds in order to influence political affairs, and that these funds should be applied as suggested by Mr. Connolly only to benefit the sick.

Hon. J. D. Connolly: For purely trades union purposes.

Hon. A. SANDERSON: The whole contention of the Labour party—and he thought it was entirely wrong—was that they were looking after the sick and that they they were taking the whole country into their embrace, and by the system of State socialism they would do away even with the sick. He (Mr. Sanderson) would be the last person to urge that they were right. His belief was that they were hopelessly wrong.

Hon. J. D. Connolly: I would never suspect it after listening to you.

Hon. A. SANDERSON: That was the great difficulty of the position he occupied. He, however, was so confident about the narrow line that divided him from the Labour party that he had not the slightest hesitation in going right up to the border and carefully examining the position of affairs.

Hon. C. A. Piesse: You are a spy.

Hon. A. SANDERSON: It did not matter if he was. He was doing it in the interests of the country, and under these circumstances he would be quite prepared to be shot. He had no hesitation in continuing to deal with the Bill as he had attempted to deal with it right through. He readily admitted the misinterpretation that could be placed on the attitude he took up.

Hon. M. L. Moss: I think it is quite clear.

Hon. A. SANDERSON: It had been stated that a couple of hon. members had subscribed to the London strike. The only analogy that occurred to him was the people on the Continent who had supported the Boers during the Boer war. Did the hon. members know the serious injury they were doing those people in London by subscribing and inducing them to continue a hopeless fight?

Hon. J. F. Cullen: They helped them in a righteous fight.

Hon. A. SANDERSON: Those gentlemen had given the sufferers a few dollars to salve their consciences, and then left them to the mercy of the capitalists in London.

Hon. M. L. MOSS: Mr. Sanderson had expressed himself as a most strong opponent of compulsory arbitration, but in every division he had voted in favour of the Bill. In fact the hon. member seemed imbued with the idea that the more poisonous he could make the measure the better it would be. There would be a division on this amendment and the clear issue would be whether those unions, which we were creating by statute for the purpose of preventing industrial disputes, were to be entitled to utilise their funds for the purpose of furthering political action, in respect of which, within the arena of those industrial organisations, there was room for the greatest difference of opinion. The hon. member would be voting in favour of those industrial organisations becoming political organisations and compelling a minority to provide funds in support of a political programme they disagreed with. If that was the hon. member's political belief, he was in duty bound to give his vote against the amendment; but one would have thought, seeing how the hon. member had condemned industrial arbitration, he would equally condemn a measure which, while it created organisations to preserve industrial peace, was enabling those organisations to compel a dissentient minority to provide funds for the support of a party which the hon. member said he was sent to Parliament to oppose.

Hon. J. E. Dodd: You desire to kill the measure right out.

Hon. M. L. MOSS: The desire was to create a tribunal which would deal with industrial disputes, and to separate the political trouble from the industrial trouble. We wanted to bring about that

which the *Kalgoorlie Miner* had advocated, namely, that the agitator who used trades unions as a stepping stone to political honours should be crushed out, and the men who were trying to fight the part of the employers on the one hand, and the employees on the other hand, should devote their energies and attention towards securing industrial peace in the community. That could be best done by divorcing the political from the industrial aspect.

Hon. J. W. KIRWAN: Hon. members had lamentably failed in their endeavour to put forward anything in the nature of a sound and reasonable argument in favour of this drastic amendment. The only argument that would have any weight with him was that which was the burden of Mr. Connolly's remarks, namely, that the *Kalgoorlie Miner* had advocated this particular proposal five years ago. What the *Kalgoorlie Miner* thought five years ago had about as much relevancy to this matter as the speech made by Mr. Moss in reference to the Osborn judgment and what had been done by the Imperial Parliament, inferentially meaning that because a certain course of action had been taken by the Imperial Parliament we should follow on the same lines. Mr. Sanderson had undoubtedly been consistent in all he had done in connection with this Bill, but Mr. Moss seemed to think that Mr. Sanderson had some ulterior object in view and was seeking to defeat the measure. When Mr. Moss spoke on the second reading he stated that the country at the last general elections asked for an amendment of the Arbitration Act and consequently he would vote for the second reading. By that the hon. member implied he was in favour of this Bill in a general sort of way, yet the hon. member had taken a course of action which, if it was successful, would have the effect of killing the measure. It would have been better if the hon. member had risen on the second reading and condemned the Bill outright, for in so doing he would have at least shown consistency. Mr. Connolly stated that he had received legal advice when Colonial Secretary that unions could not apply their funds to political purposes, yet the hon. member must have known that for years the unions of this country had continued to apply their funds to political purposes. In view of the advice which the hon. member had received was it not the duty of the Government years ago to take action to put a stop to that state of things? Whether the system was illegal or not, it had grown up, and, rightly or wrongly, political action was associated with industrial unionism throughout the length and breadth of the State. It was too late to put a stop to the system now. The amendment was too drastic a step because it would practically revolutionise unionism in this State. He sincerely trusted hon. members would oppose the amendment.

Hon. R. G. ARDAGH: Mr. Connolly had stated that the sick and accident funds of the unions were used for political purposes. He gave that statement an emphatic denial. The sick and accident funds of the organisations were not used for political purposes. If this amendment was carried it would be the means of breaking down industrial arbitration in this State, and of very nearly every union in the State cancelling its registration under the Act.

Hon. D. G. GAWLER: As one who had always been against the combination of the political and industrial movements his sympathies were with the amendment. He held that where there was a party kept in power by trades unions and Government of the State in the interests of trades unions, whereas it should be in the interests of the whole people, we could never have true government. It could not be said that anyone outside the unions had a voice in the election of a Labour candidate, for the reason that there was a Labour selection ballot, and no man who was not in a union could vote at such a ballot.

Hon. F. Davis: Any man can join the A.L.F.

Hon. D. G. GAWLER: There was the greatest danger in allowing trades union funds to be used for political purposes, but the principle of arbitration had to be accepted, and this was a most serious

principle in the minds of those responsible for bringing in the Bill, and rightly or wrongly unions had been using their funds for political purposes since 1892. It we deprived the unions of the right to use their funds for political purposes we would place them on an entirely different footing from that of the bulk of the unions in other parts of Australia. Again, having wiped out the principle of preference to unionists, we took away very largely the sting of using union funds for political purposes. Had we retained preference to unionists his vote on this matter might have been different. On the Notice Paper he had an alternative proposition to provide that the union funds should be kept separate and that a man should not be bound to contribute to the fund used for political purposes. It was a danger recognised by the Arbitration Court of 1904 because Section 55 provided that no organisation should be entitled to a declaration of preference by the court where its rules permitted the application of its funds to political purposes. That was the danger, and, as long as there was preference to unionists, the unions should not be entitled to use their funds for political purposes; but having wiped out the danger of preference to unionists, we were justified in allowing the unions to use their funds for political purposes. There was no need to touch upon the legality of the position. Passing the provision in the Bill would make it legal. In deciding how to vote on this question he was anxious not to mutilate the Bill so that it would be absolutely useless to those bringing it in. Originally it contained considerable dangers, and he was doing his best to see that most of these dangers were wiped out; but, short of that, he would endeavour to see that the main principles laid down by the Bill were observed by the Council, so his vote would be given against the amendment.

Hon. E. M. Clarke: Did the hon. member intend to move his amendment for separate funds?

Hon. D. G. GAWLER: Yes, at a later stage.

Hon. F. DAVIS: There appeared to be an impression that no one who was not a member of a trades union could take part in the Labour movement in regard to selecting candidates for Parliament, and in other phases of political activity, but such was not the case. He was not a member of a trades union, yet he was a member of the Political Labour party and had a full share in the conduct of the political activity of the Labour party.

Hon. R. D. McKenzie: But you have to sign the platform and pledge.

Hon. F. DAVIS: No honourable man would join the Labour party who did not believe in the principles of the party. It was not a good reason advanced in favour of the amendment that a similar proposal was brought forward in England as a result of the Osborne case. Conditions in England and in Western Australia were very different in regard to industrial matters. The majority of the Labour party in England opposed compulsory arbitration; in Western Australia the majority believed in compulsory arbitration. That made all the difference in the world as to the cases being parallel. Instead of asking why members of unions took part in political activities, it was as well to ask why should members of employers' unions take part in political action. While the working classes were foolish enough to allow their doings in trades unions to be made public through the Press, it was exceedingly rare that we heard of employers' meetings allowing their business to be seen in the columns of the daily Press. They had sufficient sense to keep their doings to themselves, a course he had repeatedly urged on trades unions. It could not be said positively that members of employers' unions took political action, but there was every reasonable ground for believing they did.

Hon. H. P. Colebatch: Employers' unions registered under the Act?

Hon. F. DAVIS: Yes; there was a copy of amendments to the Arbitration Bill sent to each member from a meeting of quite a number of employers' unions.

Hon. H. P. Colebatch: But they are not registered under the Act.

Hon. W. Patrick: The amendment does not prevent anyone taking political action.

Hon. F. DAVIS: The amendment disallowed any union taking political action. Industrial and political action were so interwoven it was impossible to have one without the other. Why should not members of trades unions do what they felt right with the money they themselves subscribed? It was asked why any member of a labour union should not be a supporter of another party. There was nothing to prevent a member of a union being a Liberal.

Hon. W. Patrick: But you make him subscribe to the other party.

Hon. F. DAVIS: There was no power on earth to prevent him doing so.

Hon. J. D. Connolly: But against his will you take his money for the political labour fund.

Hon. F. DAVIS: A member of a union could, if he chose, hold political opinions adverse to those of the majority of his union; but if the majoirity of that union thought fit to devote to a political purpose the money which the whole of the members had subscribed, it was not easy to see why it should not be done. The whole of our Constitution was based on majority rule, and until that rule was altered throughout the whole of our electoral machinery and our public life, there was no reason why it should be altered in the case of the unions. Every workingman, if he knew where his own interests lay, was necessarily and inevitably a supporter of the Labour party, by principle as well as in practice.

Hon. J. F. CULLEN: The amendment was really an amendment of the Trades Unions Act rather than an amendment of the Industrial Arbitration Bill, and it would strike a great many people as an indirect way of amending the Trades Unions Act. Several hon. members would be placed in an awkward position in regard to the amendment. He himself could not vote for it, because of the seriousness of the position it set up, and he was not prepared to force what he held to be a very desirable improvement on the promoters of the Bill. It would be a great thing if the unions were to take up the amendment, or if it were brought forward as an amendment of the Trades Unions Act.

Hon. M. L. MOSS: The House of Lords had decided that the Trades Unions Act was complete in itself, and that under that Act it was unlawful to use the money of trades unions for political purposes. The House of Lords had declared that there was no necessity to amend the Trades Unions Act in this particular. Why the amendment had been moved in this Bill was because, in the State paper laid on the Table, the Registrar held the opinion that under Section 3 of the Industrial Arbitration and Conciliation Act there was no such remedy as the law implied in the Osborne judgment. It would be impossible to put the amendment in the Trades Unions Act, because the House of Lords had decided that the Act was complete in itself. This was a very important proposal, and there ought to be no half measures about it. Every hon. member should vote either for or against it.

Hon. J. F. CULLEN: The hon. member had said there was nothing to amend in the English Trades Unions Act because of the Osborne judgment, which might or might not cover the Trades Unions Act in this State.

Hon. M. L. Moss: The one is a copy of the other.

Hon. J. F. CULLEN: The remedy was, not to bring in a side issue in the Bill, but to appeal to the authorities to administer the Trades Unions Act and refuse to allow trades unions to use their money for political purposes. Why had successive Governments allowed such an abuse of the Trades Unions Act? Evidently they had recognised that it was better to allow it than to prevent it. The hon. member's proper course was to take action under the Trades Unions Act, either by enforcing it or by amending it, rather than to bring this matter into the Bill.

Hon. J. D. CONNOLLY: It was impossible to understand how Mr. Gawler could have used some of the best arguments why the amendment should be

carried, and then declared that he was going to vote against it. The hon. member intended to move, later on, the insertion of a conscience clause. This, no doubt, would be accepted by the Honorary Minister, because the suggestion had originally emanated from the unions themselves. But members of trade unions had appealed to him (Hon. J. D. Connolly), when Minister, not to accept this provision, for the reason that it would be ineffective to confer any relief on the minority; it was merely a side-tracking of the issue. Mr. Davis had said that a trades unionist was free to vote for whom he liked; yet in the face of that the hon. member would argue that trades unions should use their money to support a Labour candidate, notwithstanding that individual members of the union were entitled to vote for a Liberal candidate. To allow a union to use its funds for political purposes was merely another form of giving preference to unionists; it was coercing every unionist into being a supporter of the Political Labour Party. Mr. Davis had referred to the Chamber of Commerce and other institutions as being virtually unions under the Act. They were nothing of the sort. The Friendly Societies Act had been passed for the protection of members of the different societies, exactly as the Trades Unions Act had been passed for the protection of members of trades unions.

Hon. J. E. DODD: On two occasions Mr. Connolly had made reference to levies made, presumably by miners' unions, for political purposes, which some of the hon. member's friends had objected to paying. He (Hon. J. E. Dodd) had been connected with the Miners' Union, Boulder, for ten or twelve years, and he did not think that more than three levies of one shilling each had been made during the whole of that time on behalf of politics. Some of the branches might possibly have made other levies for the same purpose, but, if so, the Miners' Union should have heard something about it. He thought he was correct in asserting that not more than three levies had been made during the last ten or twelve years for political purposes. The hon. member was scarcely correct in the assertion he had made.

Hon. J. D. Connolly: I can name three unions now, but I do not desire to give away the men.

Hon. J. E. DODD: That was one way of getting out of it. He could make a definite assertion that so far as the Miners' Union of Boulder was concerned only three political levies had been made. While he would not say that more had not been made by branches, he thought the statement of Mr. Connolly was not correct. Two or more employers might be registered as a union, but in the case of workers there must be fifteen. If two employers were registered it was impossible to prevent them from spending as much money as they liked on politics and why should the men be prevented? No one had disputed the fact that one of the objects for which members of a union might be registered was for protecting and furthering their interests. This provision was copied from the New Zealand Act, it was inserted by Sir Walter James in his Bill and it had now been adopted in the present measure. There was no better way to achieve that object than by political action. It had been said that the whole of the unionists were compelled to vote for a particular candidate, and attention had been drawn by Mr. Colebatch to a case at Northam. He would draw attention to the case of a man at Kalgoorlie, a prominent member of the Miners' Union, who collected hundreds of pounds for that union and who stood as an anti-Labour candidate and won his seat. He was still a member of the Miners' Union, and no one had heard anything against him in any shape or form. He knew of none of that intolerance which members had said took place any more than in all associations certain things occurred with which many could not agree. As regarded it being a common occurrence, it was nothing of the kind.

Hon. D. G. GAWLER: Regarding his proposed amendment, he had been assured by a leading employer that he favoured it and that it was a better proposition than the one before the House. He was

influenced largely by opinions of that sort and was influenced by the fact that he did not agree with Mr. Connolly when he said that his (Mr. Gawler's) proposal was not workable. We had had it from the Minister that separate funds were kept at Kalgoorlie and that a member was not bound to pay levies to political funds. That was all the amendment sought, and it would achieve the object which many members had in view.

Hon. C. A. PIESSE: The amendment would have his support. He decidedly objected to an employers' union devoting their funds to political purposes and he must, therefore, object to a union of employees doing the same thing. He could not bring himself to think that the funds of any union of either employers or employees should be used for political purposes. It was so easy for each party to fix up their own political body. It was ridiculous nonsense to say that the amendment would kill the Bill. What was to prevent another political body from being formed? The unions of employers or employees could have their separate political bodies.

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

Ayes	9
Noes	11
Majority against ..	2

PAIR: For the amendment, Hon. R. J. Lynn; against, Hon. J. Cornell.

AYES.

Hon. H. P. Colebatch	Hon. C. A. Piesse
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. Sir E. H. Wittenoom
Hon. R. D. McKenzie	Hon. W. Patrick
Hon. M. L. Moss	(*Teller*).

NOES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. E. M. Clarke	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. J. F. Cullen
Hon. D. G. Gawler	(*Teller*).

Amendment thus negatived.

Progress reported.

BILL—FREMANTLE RESERVES SURRENDER.

Message received from the Legislative Assembly notifying that the amendment of the Legislative Council had been agreed to.

BILL—RIGHTS IN WATER AND IRRIGATION.

Received from the Legislative Assembly and read a first time.

BILL—STATE HOTELS.

Second Reading—Amendment, six months.

Debate resumed from the previous day.

Hon. R. G. ARDAGH (North-East): I desire to say a few words in connection with the measure now before the House. I am not surprised to find that members who have spoken say that they are opposed to this piece of legislation because, during my short experience in this House, they have at all times freely stated that they are opposed to nationalisation. I believe in nationalisation. Mr. Moss, in speaking on the second reading, said that half the crime committed in this country was being committed as a result of people getting too much drink and too much bad drink, and that there should be a more rigid inspection of drinking places. Personally I think that is one of the very best arguments in favour of the Government's proposal to nationalise the drink traffic. If hotels are to be established in new districts it is better that they should be conducted by the State. With all due respect to publicans, it is a better system that the hotels should be conducted by the State. Personally I am not anxious that any more licenses should be granted. If I had my way I would cancel half the present licenses. There are many districts in Western Australia where too many licenses are in existence. In the districts of Kalgoorlie and Boulder there are about 96 hotels as against 34 in the whole of the area of Perth proper. I think we could easily wipe out half the hotels in the district I have mentioned, and I would go further than the Bill itself. I would be in favour of supporting a measure to nationalise the brewing and distilling in-

dustries, and then the argument of Mr. Moss would be overcome, because people would keep better liquor if its manufacture were under the jurisdiction of the State. I do not intend to say anything further except to refer to the remark made by Mr. Cullen when speaking last evening in regard to the appointment of the manager of the Dwellingup hotel. I think it was rather vindictive to say that because certain persons claim to have supported certain members of Parliament they have been rewarded. I think it was uncalled for and could easily have been left unsaid. It is my intention to give my vote in favour of the second reading.

Hon. F. DAVIS (Metropolitan-Suburban): In listening to the remarks of several hon. members the oft-quoted maxim flashed through my mind, "The voice of the people is the voice of God." While that may express the position very strongly it certainly seems reasonable that those who suffer or rejoice, according to the results of the drink traffic, should have some say in it and should be consulted. During the course of this debate on a previous occasion Mr. Connolly made a statement in regard to the referendum, and I interjected to the effect that the question of State control had been voted on by a majority of the people of the State. Mr. Connolly took exception to that statement. On several occasions I have heard Mr. Connolly make statements which rather surprised me, and I have wondered whether they were made because of the belief which he holds or held that he was right, or whether it was because of a defective memory. In no case, however, was his statement correct. For instance, he said in connection with the State control of the liquor traffic that no poll had taken place. I have here a copy of the *West Australian* of 8th June, 1911.

Hon. J. D. Connolly: You can call it a poll if you like. How many people voted against it?

Hon. F. DAVIS: Here we have a record of what took place. Therefore, how can the hon. member substantiate his statement that no poll was taken. As to the extent of the poll, that is beside the question because the people had a chance of expressing their opinion as to whether State control suited them or not.

Hon. H. P. Colebatch: And did they not vote against fresh licenses of any kind?

Hon. F. DAVIS: They did. They also voted for the State control of the liquor traffic and they voted by a majority of 11,000 in favour of State control. That clearly shows, as far as we can ascertain, that the people of the State are in favour of the principle embodied in this Bill, and for that reason I contend it should be given effect to.

Hon. J. F. Cullen: What about the greater vote against any increase at all?

Hon. F. DAVIS: I fail to see that one nullifies the other.

Hon. J. F. Cullen: Decidedly it does.

Hon. F. DAVIS: The hon. member speaks of the greater vote. As a matter of fact there is only a difference of 1,000 in the two totals. On that particular point the people were asked to express an opinion and they expressed it definitely and I contend they clearly showed their wish to be that the principle of State control should be brought into operation. Some exception has been taken to the fact of the Government establishing State hotels not being obliged to ask the licensing bench of the particular district for the right to establish the hotel. That, however, seems to me to be in accordance with the fitness of things. The Government have created licensing benches and it seems rather a reversion of the order of things that the creator should have to ask permission of the created. It has been contended that it would be better if more attention were paid to the supply of pure liquor instead of dealing with the question of the nationalisation of industries. Dealing with the purity of the liquor supplied, or perhaps the word "standard" would be a better term, it is a question of opinion as to which is the better in the interests of the community as a whole, whether the spirit should be adulterated or whether the liquor supplied should be absolutely pure as it is understood by the term "purity." Temperance advo-

cates would say there was a benefit to the community if the liquor were adulterated with water. However, there is this to be said, it is probable that the State hotels would be less inclined to supply liquor of a deleterious character than the ordinary hotel, because the manager of a State hotel would not have to go to the same extent of profit-making as the manager of an ordinary hotel. He would therefore be more likely to supply a better class of liquor and give a better service generally.

Hon. D. G. Gawler: The Government might run the hotels for profit.

Hon. F. DAVIS: The Government would run these hotels so that they would pay interest and sinking fund and something for depreciation.

Hon. J. F. Cullen: The Government have had a big margin so far.

Hon. F. DAVIS: It should not be the primary object to make a big profit out of the liquor traffic, and I hope that will not be done. In Switzerland, where the Government have a monopoly of the liquor traffic, a portion of the profit is set aside for the purpose of combating alcoholism. They also issue literature showing the effects of alcoholism on the system. In this connection may I suggest that the Government should take into consideration the advisability of instituting in State schools a simple course of teaching to demonstrate the effects of alcohol on the system. If this were done possibly many citizens of the future would not become victims of the intemperate use of alcohol. Mr. Cullen in the course of his speech made a remark to the effect that in the appointment of managers of State hotels it was possible for the Government to give the position to a supporter as a reward for political services rendered, and in fact he also inferred that this could be done on a rather large scale. I suppose the hon. member had in his mind the celebrated case of the Dwellingup hotel, but let me remind him of the old saying, "Evil to him who evil thinks." In this case I am rather afraid the hon. member is viewing the question from his own standpoint, and because he may be inclined to view the question in that way it does not follow that other people will also view it similarly. In regard to that particular appointment, I venture to say that it was made with all honesty of purpose and with the object of obtaining the best possible man for the position. I do not think either that the establishment of these State hotels will give rise to the belief that they are being established by the Government for ulterior purposes, namely to create positions for those who may be of service to them in the course of electioneering campaigns. I trust this question will not be discussed in regard to side issues. I believe in the principle of the nationalisation of all industries as rapidly as they can be nationalised and as quickly as the people are willing to agree that they should be nationalised. Unless the people support that view it is of no use to attempt to nationalise. This can only be done successfully with the consent and aid of the people as a whole. In this case the people have pronounced in favour of the principle and for that reason it is only right that we should give effect to it in the shape of the Bill that is now before the House.

Hon. B. C. O'BRIEN (Central): I rise to support the measure submitted by the Colonial Secretary, that is this simple measure which has been referred to as likely to have serious consequences. In supporting the Bill I desire to say I wish to be consistent and I am supporting something which is consistent with the general policy of the present Government. In their request to get the sanction of Parliament to this Bill they are without doubt attempting to bring about what we might term the first instalment of the nationalisation of the liquor traffic.

Hon. J. D. Connolly: Is it a good thing?

Hon. B. C. O'BRIEN: In my humble opinion it is a good thing. I said so 11 years ago and I have not changed my opinion since.

Hon. J. D. Connolly: You ought to know from your experience.

Hon. B. C. O'BRIEN: The request of the Government is only that they be per-

mitted to establish State hotels where a definite demand has been made for them by the people of any particular district. I do not see any objection to that. A mandate has been sought from the people; true it is that when a vote was taken last year when the referenda were before the country, the majority of people were against the issue of further licenses in the State. That proposal was put before the country by the previous Government, but it does not follow in a State like this that such a mandate should be followed out, because, after all, the number of voters on that occasion was only a small percentage of the people of the State, and it must be remembered that the population is increasing very rapidly and it is only reasonable to expect that in some districts additional accommodation will become necessary. The Government only ask in this Bill that where such accommodation is necessary the Government should provide it instead of private individuals. Mr. Moss, in speaking on this measure, merely made the bare statement that he was opposed to any scheme of nationalisation. That was very fair of him up to that point, but he took advantage of the occasion to make a most unwarranted attack upon the Police Department, incidently upon the Minister controlling it, and also on another large body in this country, the licensees. I do not consider that the strong remarks made by the hon. gentleman on that occasion were warranted.

Hon. M. L. Moss: Judges and magistrates have made the same observations.

Hon. B. C. O'BRIEN: The hon. member cannot draw me off the track. Mr. Moss on that occasion was extremely ungenerous. His attack upon the Police Department and the Minister, and on a body of men who are just as respectable as any other body of men who are earning their living, was quite unwarranted.

Hon. M. L. Moss: I rise to make a personal explanation. The hon. member accuses me of having made an attack on the licensees in general in this State. Nothing was further from my intention. I believe the majority of licensees in this State are highly respectable men but there are black sheep in that fold as well as in others. I would be the last to impute to a licensee such as the hon. member the misconduct I alleged against others, but the observations I made do apply to a number of licensees in the metropolitan area. When the hon. member accuses me of attacking the general body of licensees, he is making a statement that is not in accordance with the remarks I made.

Hon. B. C. O'BRIEN: The hon. member is trying to qualify his remarks. I intend to support this Bill, and if the strong remarks which the hon. member made when speaking to the Bill are true, or even partly true, it is one of the strongest arguments that could be brought forward in support of this measure—not only for the establishment of hotels just here and there, where the people ask for them, but for the nationalisation of the whole trade in this State. The hon. member after saying that he was entirely against this or any other proposal of the kind, went on to say that the Government should tell the police to carry out their duty and see that Sunday trading, trading after hours, and the serving of drunken men were checked, instead of confining their attention to legislation of this kind. As an old vendor of liquor in this State I think I can safely say that the hotelkeepers endeavour under great difficulties to conduct their business fairly, and as properly as any other business men in the State. I can also say from my own knowledge that the police carry out their duties as well as they can. We find it hard to conduct our businesses, keep the peace, and endeavour to prevent men from getting too much liquor, and the police do their part to keep us in order. We are subject to visits by inspectors and other police officers, and I think we are very well kept in order. Mr. Moss stated that the police were not doing their duty: that is a reflection on the department. I can conscientiously say that they are doing their duty. Mr. Moss went so far as to refer in detail to one or two little incidents he had seen. He stated that he had seen a drunken man one Sunday night in Fremantle——

Hon. M. L. Moss: I did not say that.

Hon. B. C. O'BRIEN: The hon. member said that standing in Market Street on Sunday evening——

Hon. M. L. Moss: I did not say Sunday evening.

Hon. B. C. O'BRIEN: The hon. member said that, and he should not deny it. He went on to refer in detail to what he had seen, and he said, "I have said repeatedly it is no good passing these drastic sections. Mr. Moss stated that Sunday trading was rife in the community, but what proof has the hon. member of that? It is playing the game low down when an hon. member turns policeman. The hon. member went on to state that hotelkeepers serve drunken men and only turn them out when they have not another shilling left in their pockets. I think it is very hard of the hon. member to make remarks of that kind, because he has no proof of them whatever. The hon. member may have seen a drunken man going along the street; there are cases of that kind in all towns of the State and it is exceedingly unfortunate. Some persons can take a good deal of drink and some very little and the effects are plainly seen on men in the street, but I do not think the hon. member was justified in making a general attack on those houses which pay high license fees and high rates of wages and endeavour to conduct their businesses properly. Gratuitous insults of this kind are very unfair. I support this measure as the first instalment of the nationalisation of the liquor traffic. It has been said that a State hotel may be built alongside my own. If such a thing happens I shall welcome it. I have not been a publican all my life and I hope not to remain one always, and I trust that no relative of mine will have to go through the same ordeal as I have experienced. Mr. Colebatch stated that he knew that in every town in the State drunken men are served with liquor. Although Mr. Moss said that on Sunday night in Market-street, Fremantle, he saw a drunken man, he did not say where that person came from. Mr. Moss should have followed the investigation out completely and acted the policeman to the end. The hon. member informed the House that he had gone into an hotel and told the attendant behind the bar not to serve a particular man, but Mr. Moss had no right to be there. I can say from my own knowledge of the trade that not a single barmaid or barman is employed in Perth or Fremantle on a Sunday.

Hon. M. L. Moss: I have told the hon. member that the occasion to which I alluded was not a Sunday night and the *Hansard* report does not show me as having said what the hon. member states. The hon. member persists in misrepresenting me.

Hon. B. C. O'BRIEN: It is a well-known fact that the police are particularly severe on persons who serve drunken men. Mr. Moss should have explained where that drunken man obtained his liquor, because there are several places besides general licensed houses where persons are able to obtain liquor. A licensed house is supposed to be a proper accommodation house; the landlord has to keep a staff and to hold himself responsible for everything his servants do. If something happens in his business over which he has no control whatever, the licensee is responsible.

The PRESIDENT: I wish to remind the hon. member that the amendment is now before the Council.

Hon. B. C. O'BRIEN: I realise that, but I do not desire to speak again; and seeing that Mr. Moss used this argument in opposing the second reading, I feel it is necessary to combat his statements now. He said, "It must be remembered, too, that there are other drinking houses as well as hotels. We have wine and beer licenses, we have wine shops and we have other places of a more or less suspicious character or objectionable nature to deal with too." And when people see drunken men or drunken women coming along the street, of course the hotelkeeper is blamed right away. I can assure the hon. member that if he would just take the trouble to ascertain, he would find that nine-tenths of the hotelkeepers in this State, or in most of the communities I have travelled through, do not wish to see drunken persons. I do not wish to say much more, but I think the remarks the hon. member made

would have been better left unsaid. I do not think this is an occasion to bring up a matter of this kind that should have been discussed when dealing with a comprehensive or amending licensing measure. There is not much more to be said. I am sorry that a gentleman of the standing of Mr. Moss should think fit to make such strong remarks and blurt them out in the manner he did, because they were entirely uncalled for.

Hon. Sir E. H. WITTENOOM: I move—

That the debate be adjourned.

Motion put and negatived.

Hon. Sir E. H. WITTENOOM (North): I thought that, as usual, one would have had time to consider the speeches that have been made, and I put away my notes and it will take me a little time to find them again. I support this Bill. I feel that the Government are justified on many occasions in coming forward with a measure of this kind. I do not say that it should be applied to the city or town, but I think that in many places the Government are perfectly justified in undertaking the responsibility of erecting hotels.

Hon. R. D. McKenzie: And saw mills?

Hon. Sir E. H. WITTENOOM: I do not think many hotels are required. The fewer put up the better. My experience in the back country is that hotels are put up entirely for the bar trade, and that the accommodation is of the very poorest quality. The consequence is that, as a rule, they have to pay such a price for in-going that they cannot afford to provide the requisite accommodation. It may be the fault of the licensing benches, but I think it would be a very good thing if we had some State hotels in the back country. The Colonial Secretary, in introducing this measure, went into it very thoroughly and told us that the Government are only going to put up these hotels in certain places. If that is so, the Government will be doing a great deal of good. They do not need to make a large amount of money out of these hotels. They can apply the large amount of money generally made by lessees to providing accommodation. I support the Bill. I expected to get an adjournment of the debate and I cannot give the details I wanted to give.

Hon. C. A. PIESSE (South-East): I intend to vote for the amendment. If the Bill should happen to get through the second reading, which I trust it will not, I hope some provision will be made whereby the Government will have to submit plans of their hotels to the licensing benches.

Hon. W. Patrick: They can do that now without the Bill.

Hon. C. A. PIESSE: They will not take the trouble to do that, but I maintain they should do so. Sir Edward Wittenoom says that the accommodation outside the bar trade is very poor in some hotels.

Hon. Sir E. H. Wittenoom: In the country.

Hon. C. A. PIESSE: As far as the Great Southern district is concerned, the main consideration licensing benches have insisted on for the last five or six years has been accommodation for sleeping and for the feeding of people. Licensing benches should make that a feature. What assurance have we that the Government will give proper accommodation? My experience is that Government establishments are always behind the times. We have no assurance that the Government will act in the same manner as the licensing benches have done; and, therefore, if this Bill goes through the second reading, I hope provision will be made whereby the Government will have to submit their plans to the local licensing bench, just the same as the ordinary individual has to do. It would be easy to spoil the fine class of buildings going up. I do not favour hotels. I scarcely went into one until I was about 45, in fact I almost felt ashamed to be in one, but I recognise we must have the convenience created by the erection of these hotels for the travelling public. Commercial men must have accommodation, and even the ordinary residents of a district. I want to give credit to the licensing benches in the Great Southern District for the last five or six years in that they have in-

sisted on the very best accommodation being provided for sleeping and eating. I shall vote against the second reading because the Government have no need to interfere in this matter. There are plenty of things they can give time to.

Hon. E. M. CLARKE (South-West): Mr. Davis has told us that his party are for the nationalisation of all industries. Well, E. M. Clarke is against that sort of thing, and does not care who knows it. The Government of the country have quite enough to do to see that all the Acts are administered. I could say something with regard to the Arbitration Act in reference to this, but I shall not at this stage, where they have failed in their duties, not only this but other Governments. The hotel business is one of those callings where there is always suspicion thrown on the publicans by some people. I look on them that they are simply harassed by more Acts of Parliament than any other members of the community, and they have my sympathy; taking them all round, they are a fine class of men. In doing justice to this question the one hotel I frequent, that at the Yallingup Caves, is managed splendidly. Undoubtedly they have a fine man and could not have a better, and there is splendid accommodation; but, strange to say, down at that same place, and where the Government come in there may be occasions where they have to administer the Act and see that right is done, members will be surprised at what I saw. The manager was in no way to blame. There was a motor load of Government drinks. The engine had taken charge going along a straight road and the motor and everything else were smashed up against a tree.

The Colonial Secretary: That driver was dismissed.

Hon. E. M. CLARKE: It shows they cannot control this sort of thing. I am against the nationalisation of public houses for a number of reasons I could give. They are attempting to do away with all public houses and give no compensation to a man who has launched his money in an up-to-date hotel. I say that such a man is deserving of consideration.

Hon. Sir E. H. Wittenoom: There is nothing of that in this Bill.

Hon. E. M. CLARKE: I know that, but there is this in it, that the Government of one day want to sweep them away, and the next day they come along and say they want to usurp their trade. I say it is a trade that needs watching by the police. As some members have indicated, the Government should take the part of looking after these things and not go into them themselves. I shall vote against the Bill. I hope the amendment will be carried.

Hon. J. W. KIRWAN (South): The hon. member has summed up the objections which the great bulk of the members have offered to this Bill. They are opposed to it because they regard it as an extension of State socialism.

Hon. J. F. Cullen: Among other reasons.

Hon. J. W. KIRWAN: So far as I can interpret the speeches of hon. members, that is the main objection offered by them. Whatever members may feel on the question of party, the great majority of them will agree that they are strongly anti-socialistic. That is one thing they have all in common. I am reminded of their inconsistency in that respect. I do not claim to be a socialist any more than I claim to be an individualist. I claim it is impossible to find a true individualist who is a real and genuine anti-socialist. Throughout my experience I have never yet met a socialist in the sense in which the term "socialist" is generally interpreted. I have never yet met a man, even among the most advanced Labour movement, who looked forward to every individual being a Government servant.

Hon. H. P. Colebatch: Mr. Davis told us just now that he looked forward to it.

Hon. J. W. KIRWAN: I did not hear it. There are such men, I believe, on the continent of Europe, but I have never yet met such men in Australia who go to that extreme, and that is usually how socialism is spoken of by opponents of socialism in this country. I can only remind hon. members of the assertion made by a very eminent statesman, I think it was the late Lord Salisbury, who declared, "We are all socialists nowadays." There

is no hon. member, I take it, who is not a socialist up to a certain point. There is no hon. member who does not believe in the people uniting for the purposes of defence, who is not prepared to go even further and hold that the people should unite for the purposes of the Post and Telegraph Department. A very large number, I take it, nearly all the people of Australia, are quite in favour of State ownership and control of railways. To a degree everyone is a socialist, more or less, and I have yet to find a sample of the true individualist. Those who oppose the Bill on the grounds of socialism, to my mind ought to sink their anti-socialistic tendencies, and if they are desirous of promoting true temperance they ought to take that into account. If they be socialists to a certain extent, surely they ought to be socialists for the promotion of temperance and the prevention of the worst evils of the drink traffic. The State hotels with which the Bill deals are generally recognised as being the true solution of the drink problem. We all know there have been examples in different parts of the world, that it is by the people's representatives taking control of the traffic and administering it, and at the same time educating the people up to temperance, that the nearest approach can be made to the ideal. Prohibition has been tried, but it has not been found to be a success. We all know that in New Zealand, and in those of the United States which have adopted prohibition, there has been no diminution of the drink evil. Apart from the case of the State hotels we have the Government controlling the liquor traffic and ensuring that these hotels shall be well conducted and that the liquor consumed is of good quality. It is to the interests of those who manage State hotels that they shall be properly conducted. We heard Mr. Clarke, a short time ago, referring to the excellent way in which a certain State hotel was conducted. The exemplary way in which the Gwalia State hotel is conducted is well known throughout the whole of the State.

Hon. E. M. Clarke: Not altogether favourably, if what I heard is correct.

Hon. J. W. KIRWAN: The hon. member must have met people holding different views from those entertained by others I have met. I have met many who have stayed there, but I have never met one who expressed an unfavourable opinion. They have said it was a treat to get to the Gwalia State hotel as compared with the general run of hotels.

Hon. E. M. Clarke: But I was speaking of the one near Pinjarra.

Hon. J. W. KIRWAN: I have no knowledge of that. In the running of State hotels everything will depend on who the manager may be. A bad manager may be appointed, as in everything else, and instances may be quoted of these hotels having been badly run. So it would be, probably, if the system were generally adopted. No system is perfect, and it would be open to many defects. But I think we may fairly well agree that State hotels, even the very worst of them, are better run than a large number of private hotels under existing conditions. Mr. Moss and other hon. members referred to the way in which the laws are administered in this State, and the way in which privately owned hotels have been run. The hon. member seemed to make a great deal out of the failure to properly administer these laws. It is not fair to the Government that they should be blamed; it is not this Government alone that have not administered the laws to the fullest extent. All previous Governments have failed to administer the laws in such a manner, and in some cases it has been impossible to administer these laws, because the laws were not in accord with public opinion. A law cannot be administered unless it is supported by public opinion, and until public opinion is brought to back up a law, and until a law is in accord with public opinion, that law can never be given full effect to. The hon. member referred to the question of serving drunken men. If that evil exists to the extent which he and other hon. members hold that it does, I say the one solution of an evil of that kind is provided by State hotels. The manager of a State hotel is running a risk if he serves a drunken man. It is to his interests to have his hotel properly conducted. If he serves a drunken man he is imperilling his own position. It is to his

interests to see that the hotel is properly conducted, to see that the liquor is good, to see that the establishment under his control is run creditably to himself; and I say the great remedy for the evils which have been referred to in connection with the liquor traffic is supplied by the State hotels. Those hon. members who harp upon maladministration, or want of administration, of the liquor laws under the existing conditions, are unconsciously using one of the strongest arguments in favour of the Bill. I sincerely trust that the Bill will be carried. I say that State hotels have done good, that they have already rendered good service to the State, that they are well conducted and are a credit to the State. Therefore it is desirable that every facility should be given for the extension of the system, and I propose to vote for the second reading of the Bill.

On motion by the Colonial Secretary, debate adjourned.

House adjourned at 10.40 p.m.

Legislative Assembly,

Wednesday, 16th October, 1912.

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

QUESTION — PUBLIC SERVICE APPOINTMENTS, PREMIER'S STATEMENT.

Hon. FRANK WILSON asked the Premier: 1, Whether he is correctly reported in the *West Australian*, when replying to the Clerks' Union, as having stated, "He was not going to do what the last Government did—compel the Public Service Commissioner to appoint certain men for political reasons?" 2, If so, what are the names, positions, and dates of appointment of all such persons?

The MINISTER FOR LANDS (for the Premier) replied: 1 and 2, Yes; and I had particularly in mind the case of Dr. Hope at the time when the appointment of Principal Medical Officer was being made; also that of Mr. Dunstan when the position of Superintendent of State Batteries was being filled.

BILL—RIGHTS IN WATER AND IRRIGATION.

Read a third time and transmitted to the Legislative Council.

RETURN—PUBLIC SERVICE, TEMPORARY STAFF.

Mr. DWYER (Perth) moved—

That a return be laid upon the Table of the House showing:—1, The number of public servants at present in the service who resigned their appointments as permanent officers to take up positions on the temporary staff at higher salary. 2, The number of temporary clerks in the Government service drawing £5 per week and over. 3, The number of temporary men employed in professional work in the Government service in receipt of salary of £10 and over. 4, The number of temporary clerks employed in the Public Works Department during the months of June and July, 1912—(a) the number of hours overtime worked by these officers; (b) the payment made for such overtime, if any.

The motion introduced the question of temporary employment in the Government service. It was generally agreed on all hands that there were a great deal too many temporary men in the service, and that many of them were really filling permanent appointments and doing permanent work. If such was the case those temporary officers, provided they were suitable in other respects, should be made