Hon. A. SANDERSON: It was pointed out on the second reading that vivisection could not be practised in Western Australia because there were no regulations, and when regulations were framed it would be in connection with the university. Doubtless the question could be discussed when the matter was taken up by the university.

Hon. J. D. Connolly: They do it in the Public Health Department.

Hon. A. SANDERSON: On the second reading he had inquired whether there were any regulations, and had been informed that there were not.

Hon. J. D. Connolly: I do not know whether there are any regulations.

Hon. A. SANDERSON: The Bill stated that experiments must be conducted subject to regulations.

The Colonial Secretary: There are no regulations governing vivisection.

Hon. A. SANDERSON: It was important to have the point cleared up.

Hon. J. D. Connolly: If you walk into the Public Health Department you will see it.

Hon. A. SANDERSON: If that were so, the thing should be under regulation. The clause seemed to provide a reasonable safeguard.

Hon. C. A. PIESSE: A safeguard was provided, and he asked leave to withdraw his amendment.

Hon. J. CORNELL: The proposal to withdraw the amendment would have his opposition. It might be necessary to perform a second operation on the animal to ascertain the effect of the first. He thought vivisection should be confined to as few animals as possible.

Amendment put and negatived.

Clause put and passed.

Clauses 20, 21—agreed to.

Progress reported.

ASSENT TO BILLS.

Messages received notifying assent to the following Bills:—

1, Excess (1910-11).

2, Nedlands Park Tramways Amendment.

3, North Fremantle Municipal Tramways Amendment.

House adjourned at 9 p.m.

Legislative Assembly,

Tuesday, 27th August, 1912.

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

PAPERS PRESENTED.

By the Premier: 1, By-laws of the Kalgoorlie and Coolgardie Boards of Health; 2, Return as to contracts for police and railway uniforms (ordered on motion by Mr. B. J. Stubbs).

By the Minister for Mines: Statements of expenditure under the Mining Development Act for the year ended 30th June, 1912.

By the Attorney General: Matrimonial Causes Rules, 1912 (No. 2).

QUESTION—TAXATION OFFICES.

Mr. SWAN asked the Premier: 1, Is he aware that the offices in which the taxation officers are employed are in a dangerously unhealthy condition? 2, Will he cause immediate inquiries to be made with a view to remedying this state of affairs?

The PREMIER replied: The question of unhealthiness has been men-

tioned only in respect to three rooms situated in the basement, next door to the main building. When the question was raised, the Public Works Department (which deals with matters of rented buildings) was requested to obtain a report from the Health Department. This being of an adverse nature, the Works Department was immediately asked to endeavour to find other offices adjacent for the portion of the Taxation staff concerned. Rooms in a building opposite were then submitted to and approved by the Commisssioner. Necessary steps have been taken by the Public Works Department so that the rooms complained of may be vacated at the earliest possible date.

QUESTION—PUBLIC SERVANTS IN GREAT SOUTHERN DISTRICT.

Mr. JOHNSTON asked the Premier: 1, Are the Government aware that (a) house rents, (b) board and lodging, and (c) the cost of living generally are more expensive throughout the Great Southern districts than in Kalgoorlie, Coolgardie, and Boulder? 2, As civil servants on the goldfields receive a special goldfields allowance, is it the intention of the Government to give effect to the recent recommendation of the Public Service Commissioners that a special district allowance be granted to civil servants resident in the Great Southern districts? 3, If so, when? 4, If not, why not.

The PREMIER replied: 1, No. 2, No such recommendation has been made. 3, Answered by (2). 4. Answered by (3).

QUESTION — CHILDREN'S COURT, CORPORAL PUNISHMENT.

Mr. TURVEY asked the Attorney General: 1, Has his attention been drawn to the sentence recently imposed by the resident magistrate in the Children's Court, Boulder, of a minimum of 24 strokes to be given under police supervision to each of two lads for throwing stones at a building? 2, Is he of opinion that the nature of the offence warranted such a punishment? 3, If so, on what grounds does he justify such opinion? 4, If not, will he endeavour to prevent a repetition of such a sentence in any subsequent cases of a similar nature?

The ATTORNEY GENERAL replied: 1, The paragraph appearing in the *West Australian* of August 19th has been brought under notice, but on report from the resident magistrate such newspaper article appears to be incorrect. The case in question was simply adjourned by the magistrate in order to allow the boys' parents to administer castigation in the presence of a constable. No minimum of 24 strokes was, it is stated, imposed by the resident magistrate. 2, 3, and 4, Answered by No. 1. Attached to this answer is a report furnished by the magistrate, which I will read:—"Kalgoorlie, 24/8/12. The Under Secretary for Law. Replying further to your wire of yesterday's date, I beg to report as follows for the information of the Hon. the Premier:—On the 16th instant two boys, Smith and Jones, aged 17 and 15, were charged before me at Boulder, under the Police Act, with having thrown stones to the danger of passers-by. Both boys admitted having thrown stones, and the evidence of a plain clothes constable showed that the act was part of a riotous scene which occurred when the boys were discharged from drill in the drill hall. It was in order to prevent the repetition of such scenes that the police constable had been put on duty at the hall. I adjourned the cases in order that the boys' parents might administer castigation to them, and desired an officer of police to be present for the double purpose of ensuring that the whipping the boys received was sufficient, and at the same time did not exceed the maximum prescribed by the Code, which I enjoined the corporal of police to ascertain for certain, as I had not a copy of the Code at my hand just then. It was reported to me next day that the boys had been duly punished by their fathers, and I ordered their discharge accordingly. They were, I believe, brought up before justices next morning and duly discharged. There was no conviction recorded against the boys nor was any

whipping they received a sentence by me. As a matter of fact, if their fathers had been foolish enough to refuse to chastise them I should probably have had to discharge them without further ado, which would have been a pity. The matter of a "minimum" number of strokes, as I have already stated in my wire, was never mentioned.—W. A. G. Walter, Resident Magistrate."

QUESTION—POTATO PROHIBITIONS.

Hon. J. MITCHELL (for Mr. George) asked the Minister for Lands: 1, Have any cases been reported *re* sending potatoes into prohibited areas? 2, If so, what action has been taken by the department?

The MINISTER FOR LANDS replied: 1, Yes. 2, Action by way of caution, or, where considered justified, by prosecution, has been taken to prevent a recurrence.

QUESTION — SEWERAGE WORKS, POLLUTION OF SWAN RIVER.

Mr. LEWIS asked the Minister for Works: 1, Is he aware that the Works Department is polluting the river by depositing sewerage filth, dredged from the Claisebrook-street drain, amongst the rushes in the vicinity of Bunbury bridge? 2, Will he immediately take steps to stop this disgusting practice, and thus preserve the health of the people in the adjoining localities?

The MINISTER FOR WORKS replied: 1, No. The bank in the river at the mouth of the Claisebrook drain is being removed. Portion of the spoil is being used to reclaim some of the low-lying land near the mouth of the drain, and the remainder is being deposited on private land with the consent of the owner. Only a small portion was deposited on an island in the river. 2, Nothing is being done which would be detrimental to the health of the people, and the action taken is in the interests of public health.

RETURN—STATE STEAMSHIP SERVICE, COAL CONSUMPTION.

On motion by Mr. A. A. WILSON ordered: "That a return be laid upon the Table of the House showing,—1, The number of round trips the "Kwinana," "Eucla," and "Una" steamships have made whilst under State control; name of ports, to and from. 2, The quantity of coal used, viz., imported and West Australian (separately). 3, Where the imported coal came from. 4, The price (f.o.b.) paid for same."

BILL—MONEYLENDERS.

Introduced by Mr. Dwyer, and read a first time.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the 22nd August; Mr. Holman *in the Chair*, the Attorney General in charge of the Bill.

Clause 59—Jurisdiction:

Hon. FRANK WILSON: By paragraph (b) the president was given jurisdiction to settle and determine a dispute as to which he had held a conference under Clause 122 and which he had referred to the court. This provision was taken from the Commonwealth Act, but there seemed to be no necessity for its inclusion in this Bill. The power given by Clause 122 was to summon any person to join in a conference regardless of the distance to be travelled, the cost of attending and loss of time, and the person so summoned must attend or be liable to a penalty of £100. It was not known whether the provision in the Commonwealth Act had been beneficial, but one was doubtful about it. There was a conference called in the Federal tramway case, to which persons were haled from all the States at considerable expense and great loss of time, though at the time there was a case cited before the Federal court in connection with the same dispute. Surely with the full power given under the Bill for every individual to approach

the court there was no need to allow the president absolute power to demand that all and sundry should attend his chambers to inquire into a matter that he feared might develop into an industrial dispute with the ultimate object of referring the matter to the court. He moved an amendment—

That paragraph (b) be struck out.

The ATTORNEY GENERAL: The paragraph should not be deleted. It had a further recommendation than its existence in the Commonwealth Act. The conciliation portion of our Act disappeared with this Bill.

Hon. Frank Wilson: Because it has been a dead letter.

The ATTORNEY GENERAL: This provision might also be a dead letter, but it was essential to have it. It practically meant giving the president of the court the power to call a conciliation board with the president as chairman. It was Clause 222 which gave the president the power to summon persons to hold a conference, but as the clause now before the Committee gave the president jurisdiction to exercise that power, it perhaps embraced a debate into the merits of the whole matter. The purpose of Clause 122 was to stop disputes in their incipient stage. The court on being informed of the likelihood of an industrial dispute could of its own motion step in with a view to conciliation and with a view to preventing all the details of a long court action, which of course, if the dispute could not be so settled, must follow. The president himself could refer the matter to the court if he thought it so serious as to require the judgment of the court, but otherwise he might stop the dispute and nip a disastrous struggle in the very bud. The provision took the place of the old conciliation boards, but put conciliation on a higher standard and a more responsible footing.

Hon. FRANK WILSON: While appreciating the Attorney General's idea of conciliation, we knew that conciliation was tried in the old Act and found wanting and set aside, as no good result ever came from it; and if this was to be another attempt at conciliation it would probably be a dead letter also, and should not hamper a Bill whose object was to prevent strikes and force employers or workers to submit disputes to arbitration for settlement. Why did we need a clause to prevent a big strike?

Mr. Green: Because prevention is better than cure.

Hon. FRANK WILSON: But the prevention was in the Bill. It was absolutely illegal to strike or to lock-out. As either was an offence punishable by a very severe penalty, why should we have a provision to prevent someone by conciliation doing something which was contrary to the statute and which was a breach of the law? We should set our faces firmly against strikes and lock-outs, as was done in the Bill, but we should not acknowledge a weakness in the Bill by inserting a clause whose only justification was that a conference might prevent some big industrial disaster. We were legislating, it was hoped, with a full determination to see the law administered. In the past the arbitration laws were flouted times without number, more especially on the part of the trades unions during the last 12 months when there had been strike after strike and never a finger lifted by the Government to prevent them.

Mr. A. A. Wilson: The Collie men were fined two or three times.

Hon. FRANK WILSON: That was in the time of the previous Government, and some of the masters were fined also. We should be determined that such things should not recur. Anyone inciting to a breach of the Arbitration Act, whether employer or worker, or anyone committing a breach of the Act should be punished. The object in moving the amendment was not to weaken any powers of conciliation the president might have, but it was a decided sign of weakness in the Bill to insert a clause to prevent something which ought to be put down by the mighty arm of the law as embodied in the Bill.

Hon. J. MITCHELL: While it might be a good thing to give the president power to call a conference, at any rate there should be no necessity for giving the president the power to take the par-

ties at that conference to the court, because if either party at a conference was willing to go before the court the other party could be cited before the court. It seemed hardly necessary to give any further power than holding a conference.

The ATTORNEY GENERAL: Instead of this being a source of weakness or an evidence of weakness, it was evidence of the strength of the measure. It placed a clear duty on the court itself to keep a watchful eye on the industrial community. If the president thought a dispute was brewing, he could refer the matter to the court himself. The whole object of the Bill was to get as many avenues to the court as possible.

Hon. Frank Wilson: It is an arbitrary power.

The ATTORNEY GENERAL: There might be occasions when parties were noneligible to approach the court by not being registered, but there were matters affecting unionism generally, and the president, whether these persons were parties to the dispute or not, could bring them to a conference, or when a difficulty had been raging and there was no dispute before the court, the president could step in and arrange a conference. It was within our knowledge that only recently both parties to a dispute were averse to approaching the court, therefore the machinery had failed.

Hon. Frank Wilson: Why force them to go to the court if they did not want to?

The ATTORNEY GENERAL: This Bill recognised that any section of the workers being out of harmony with the whole of the workers, were a means of danger to the peace of the whole industrial community, therefore there should be power to bring these people to their senses.

Hon. Frank Wilson: A minority can create a row and get to the court through the president.

The ATTORNEY GENERAL: The president would be a man of discretion, and know when it was wise to step in. This was a wise power. When equity was forming into a system apart from the common law, extraordinary power was given to the King's Chancellor to summon people who were not party to a particular dispute, and for the purpoe of doing justice the Chancellor had that power. This Bill provided the modern equivalent. We were starting a new court that reached another stratum of society. Originally society was divided between the land owners and the serfs; afterwards came in the commercial classes, and we had to have commercial courts. Equity kept peace with them, and now we were getting a new element that came into our laws—workers who had had no court hitherto. We required a new court to deal with these matters affecting workers, and just as the King's Chancellor in equity was granted these exceptional powers, which were fought against strenuously by the common law authorities, now we were giving power to the president of the Arbitration Court to intervene to prevent or to settle disturbances in the industrial realm. It might be that, like our conciliation board, or like the provision in the Commonwealth law, we should not require to put it into operation, but if the need should arise he would not like this power to be absent.

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

Ayes	13
Noes	25
Majority against ..	12

AYES.

Mr. Allen	Mr. Moore
Mr. Broun	Mr. A. N. Piesse
Mr. George	Mr. S. Stubbs
Mr. Harper	Mr. F. Wilson
Mr. Lefroy	Mr. Wisdom
Mr. Mitchell	Mr. Male
Mr. Monger	*(Teller).*

NOES.

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

Amendment thus negatived.

Clause put and passed.

Clause 60—agreed to.

Clause 61—Jurisdiction not affected by fact that no member of union is concerned in dispute:

Hon. J. MITCHELL: This seemed an extraordinary power. Apparently it did not matter whether a worker or an employer was party to a dispute. An independent party could interfere? If the employer and the men were both satisfied, why should it be necessary for a third party to interfere? What did the clause mean?

The ATTORNEY GENERAL: If the court gave an award affecting an industry, an employer or those working for him, however much they might be contented to come below the award, would not be allowed to do so. If the court gave an award in regard to the wages of certain employees, the employer must pay the rate.

Mr. George: That was agreed, but that does not come under this clause.

The ATTORNEY GENERAL: No award in the world would be any good without a provision of this kind. This clause was taken from the New Zealand Act, and no disaster had happened in New Zealand as a consequence.

Mr. GEORGE: Would the Attorney General explain how an industrial union could be a party to a dispute when no member of that union was employed by any party to the dispute?

The ATTORNEY GENERAL: It might be that the hon. member himself was employing carpenters, but that no member of the particular union concerned in the dispute happened to be working for him, notwithstanding which, under the clause, that particular union could cite the hon. member before the court.

Mr. B. J. STUBBS: The clause was necessary. It had been laid down by the Full Court that a dispute must originate between an individual employee and his employer. It had been also laid down that, if an employer discharged his employees when they lodged their citation, the relationship between employer and employee thereupon ceased to exist. From this it was clear that an employer could, by this means prevent an employee getting to the court. The purpose of the clause was to make it impossible for the employer to prevent a dispute getting to the court by the simple expedient of discharging the employees whenever a citation was lodged.

Hon. J. MITCHELL: The member for Subiaco was contradicting the Attorney General. The Minister had said that a union of, say, carpenters could appeal to the court if non-union carpenters were working for less than a reasonable wage, and that the award, when given, would apply to all carpenters, unionists and non-unionists. Clearly the purpose of the clause was to give the unions power over free workers.

Hon. W. C. Angwin (Honorary Minister): To give the court power.

Hon. J. MITCHELL: It was intended to enable a union to appeal to the court, notwithstanding that not a single member of the union was concerned in the dispute. He objected to such power being taken.

Hon. FRANK WILSON: This was a clause which had been thrashed out pretty fully last session, when strong exception was taken to it on the ground that it gave unions power over non-union shops. The clause gave unions power to cite a case in respect to a non-union shop in which no dispute existed. A union could hale an employer before the court, notwithstanding that his employees were perfectly satisfied with the conditions of employment. Surely it was not necessary to give to a union such power for causing trouble. The clause was not required, for the Bill would be just as complete without it. The purpose of the clause was to give trades unions power over those who did not belong to the unions. It meant terrorism by a small section of the community.

The ATTORNEY GENERAL: The clause had nothing whatever to do with increasing the powers of unions. It was simply a provision to give the court jurisdiction to make an award that would completely cover an industry without leaving any section thereof to get out of it by saying that they had not been parties to the dispute. In the first place an industrial union must be a party to an

industrial dispute, in which event the jurisdiction of the court to deal with the dispute would not be affected by the mere reason that no member of the union was employed by any party to the dispute, or was personally concerned in the dispute.

Hon. Frank Wilson: If your argument is right they must be personally concerned in the dispute.

The ATTORNEY GENERAL: No, except in the sense that they were all personally concerned as every member of the community was. Members of a union might be working for an employer who was cited before the court, although that employer and his men had had no quarrel, but as the whole industry was affected he must come in; the award must reach him too. That was all the clause provided. The hon. member had said he was unreasonable. Could he point to any evil since the enactment of a similar clause in New Zealand in 1908.

The Minister for Lands: It has been proved necessary.

The ATTORNEY GENERAL: It had been proved necessary by the experience of the court as parties had been robbed of the fruits of their awards. The wording was exactly the same as in the New Zealand Act. The clause was in the Bill last session and there was then no fight about it. It was passed by the other Chamber and to make a big fight on this occasion seemed a waste of time.

Mr. GEORGE: If the Attorney General wanted to make sure that no employer or employee could escape from the operations of an award, why not clear the clause from ambiguity. As worded it carried a semblance of unfairness. As it stood it was a nonsenical proposition, and no one knew it better than the Attorney General.

Mr. B. J. STUBBS: Mr. George was endeavouring to read into the clause that a union could claim a dispute when no member was a party to the dispute. The object of the clause was to get over the case of an employer who discharged an employee and thereby ended the relationship between them. Under the existing Act there was no employer or employee in a particular industry who was not bound by an award of the court. The clause was necessary to prevent the victimisation of employees.

Mr. A. A. WILSON: The clause was necessary. In New South Wales four years ago the employees in one of the mines struck work and the men cited their grievances before the court. In the meantime the mine was filled by free labourers and the case was not brought before the court because the then employees of the mine were not unionists.

Clause put and passed.

Clause 62—Decision that matter is an industrial dispute conclusive:

Mr. GEORGE: Was this clause intended to do away with the Federal High Court?

The Attorney General: It was impossible to legislate for the Commonwealth; this clause related only to other courts in the State.

Mr. GEORGE: After all that had been said there would not be finality.

The Attorney General: It is final so far as the State is concerned.

Mr. GEORGE: It was disappointing to hear that.

Clause put and passed.

Clause 63—agreed to.

Clause 64—Representation of parties before court:

Mr. B. J. STUBBS moved an amendment —

That after "practitioner" in line 1 of Subclause 4 the words "Whether of this State or any other State, whether on the rolls or not, or solicitor's clerk" be inserted.

Hon. FRANK WILSON: Was the Attorney General going to accept the amendment?

The ATTORNEY GENERAL: Yes. It would provide that no legal practitioner would be allowed to enter the Court. It was in the old Bill.

Mr. George: Could an English solicitor appear?

The ATTORNEY GENERAL: No lawyer who was on the list of lawyers, who had been in any way connected with a firm of lawyers, would be allowed to enter the court. This was to be purely

a layman's court. If the hon. member read the next clause, he would see that there would be a new procedure, entirely untrammelled by the laws of evidence and by the methods of those trained in the law to advance a case.

Hon. FRANK WILSON: The Arbitration Court should be a layman's court. We did not want a lawyer there to argue from a legal standpoint as was done in other courts. We wanted a case put, as the Attorney General said, untrammelled by any legal training whatever; therefore he welcomed the amendment. He remembered well, when he once appeared before the court there were budding lawyers to take charge of cases, and more often was that the case on the side of the employer than on that of the workers. While the member for Yilgarn was waiting to be admitted, he took part in an industrial case, and he fought also against the unions. He (Mr. Wilson) was connected with the same case, in fact the member for Yilgarn and he were colleagues on behalf of the employers. Of course he was at a great disadvantage because the member for Yilgarn had had a legal training and knowledge.

The Minister for Mines: You pulled through, I will bet.

Hon. FRANK WILSON: Although he managed to do so, it was a severe strain, whereas for the member for Yilgarn it was like water dropping off a duck's back. He welcomed the amendment.

Hon. J. MITCHELL: So far as he was concerned, there was no reason for excluding legal practitioners from the court. It would be cheaper for the litigants if they had a lawyer at the court instead of having to employ him first. Did the Attorney General read of the case mentioned by Mr. Somerville, the workers' representative, in which that gentleman complained about the way in which the mill workers' case had been presented to the court?

The Attorney General: Any amount of cases are badly presented by practitioners.

Hon. J. MITCHELL: It seemed extraordinary that a legal practitioner could take part in a case right up to the doors of the court, and even after that could go into the court and be there with a representative and not be able to go further.

The Attorney General: We are going to exclude them from the court.

Hon. J. MITCHELL: It seemed strange that the lawyer could do everything except represent the parties by whom he was employed before the court.

Amendment put and passed.

Mr. B. J. STUBBS moved a further amendment—

That in line 2 of Subclause 4 after the word "Court" the words "in any capacity whatever" be inserted.

The effect of the amendment would be that no practitioner would be allowed to appear or be heard before the court in any capacity. He would not then be able to advise even though he might be the attorney of a company. It was one of the knotty problems that had come before the court, as to whether a legal practitioner who was engaged as attorney could appear before the court.

Amendment passed.

Mr. GEORGE: Did the rules mentioned in Subclause 2 refer to rules of the court or of the union?

The Attorney General: They are the rules of the union.

Mr. GEORGE: In that event he moved an amendment—

That the words in Subclause 4 "or to attend the court to advise the representative of any party before the court" be struck out.

If the Bill passed there would be no further blowing out of cases owing to technicalities. The parties would be able to get to grips right away. Either party, however, should be allowed to have a legal representative in the court to advise not necessarily with regard to quibbles but in regard to the law or similar matters.

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

Ayes	14
Noes	22
Majority against ..	8

AYES.

Mr. Broun	Mr. Moore
Mr. George	Mr. Nanson
Mr. Harper	Mr. A. N. Piesse
Mr. Lefroy	Mr. S. Stubbs
Mr. Male	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Monger	Mr. Layman (*Teller*).

NOES.

Mr. Angwin	Mr. McDonald
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. Munsie
Mr. Carpenter	Mr. Scaddan
Mr. Collier	Mr. B. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Green	Mr. Taylor
Mr. Hudson	Mr. Thomas
Mr. Johnson	Mr. Walker
Mr. Lander	Mr. A. A. Wilson
Mr. Lewis	Mr. Underwood (*Teller*).

Amendment thus negatived.

Clause as previously amended agreed to.

Clause 65—Court to decide according to equity and good conscience:

Hon. FRANK WILSON moved an amendment—

That Subclause 2 be struck out.

The object of the subclause was to give the court extended power in the granting of relief or redress. It was essential that the court should be restricted to the specific claims put forward by the contending parties, but in the subclause the court were given power to go aside from the claim and grant something that had never been asked for. Both parties knew well what was the citation and what the cross-citation, and brought evidence for and against accordingly. The court ought to decide on equity and good conscience on the evidence before it, together with the knowledge the members of the court gained by inspections, or from the assistance given by experts who might be asked to act as advisers or assessors. Suppose, for instance, that the employers asked that carpenters' wages should be reduced from 13s. to 11s. and the court, after hearing the evidence, ordered the wages to be 9s.; what would the workers say? On the other hand, the court might decide that the wages should be 17s. and then what would the employers say? This was another of those iniquitous clauses which were going to make the president of the court master over every phase of industrial life and almost over the body and soul of worker and employer.

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

Ayes	14
Noes	21
Majority against ..	7

AYES.

Mr. Broun	Mr. Nanson
Mr. George	Mr. A. N. Piesse
Mr. Harper	Mr. S. Stubbs
Mr. Lefroy	Mr. F. Wilson
Mr. Male	Mr. Wisdom
Mr. Mitchell	Mr. Layman (*Teller*).
Mr. Monger	
Mr. Moore	

NOES.

Mr. Angwin	Mr. Lewis
Mr. Bath	Mr. McDowall
Mr. Carpenter	Mr. Munsie
Mr. Collier	Mr. Scaddan
Mr. Dwyer	Mr. B. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Green	Mr. Taylor
Mr. Hudson	Mr. Walker
Mr. Johnson	Mr. A. A. Wilson
Mr. Johnston	Mr. Underwood
Mr. Lander	(*Teller*).

Amendment thus negatived.

Mr. UNDERWOOD: One felt inclined to oppose this clause because of its absolute uselessness. We had experience of several arbitration courts presided over by judges and it seemed impossible for a judge of the Supreme Court, or anybody trained in law, to deal in accordance with equity and good conscience and without regard to technicalities or legal forms. Lawyers were not able to do that.

Mr. Dwyer: What is your evidence?

Mr. UNDERWOOD: The evidence was contained in the various decisions given by the arbitration courts under sections worded similarly to this clause. Only the other day the judge of a court, instructed to decide according to equity and good conscience and without regard to technicalities or legal forms, said that shopkeeping was not an industry and that the shop assistants could not obtain redress through the court. Parliament should demonstrate to judges that when

it passed an Act it expected the judges, who were paid by the people, to have regard to the meaning of Parliament. There were heard occasionally from judges cheap sneers about the obvious asininity of legislators. Members were not entitled to make use of such words in regard to judges, although they might think them. One judge in this State had complained about the presence of definition clauses in the Act and had suggested that this State should adopt the English system. If that judge had any knowldege of the English Statutes he would know that the only difference was that in England the definitions were at the end of the Act and in Australia they were put in the front, so that the judge could not miss them. Naturally this particular judge, not having read the English Act right through, had not found the definitions. It was impossible for judges to get away from technicalities. Even the great Judge Higgins had declared recently that he found himself in a Serbonian bog of technicalities.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. UNDERWOOD: This clause appeared in various Acts, and was never acted on, though every member desired that it should be acted on. As judges seemed to be determined not to act in the manner laid down, he moved an amendment—

That the following be added to the clause:—"This clause is inserted with a view to its being acted upon, and not as a joke."

The CHAIRMAN: I cannot accept that amendment.

Mr. UNDERWOOD: Under what Standing Order?

The CHAIRMAN: Under the standing order of common sense. It is throwing ridicule on the clause.

Dissent from Chairman's Ruling.

Mr. Underwood: Mr. Chairman, I must dissent from your ruling.

The Speaker resumed the Chair.

The Chairman having reported the dissent,

Mr. Underwood said: As far as I can understand, any member can move to add words, to strike out words, and to strike out words with a view to inserting other words. I claim that this clause has not been acted on in the past, and that Parliament had been deliberately flouted by all those administering the Arbitration Act; also that it is necessary that Parliament should call attention to the fact that we have put in this clause for the purpose of its being acted on, and not as a joke. I wish to make a protest on behalf of this Parliament against the judges' cheap witticisms about legislators.

Mr. Speaker: I hope the hon. member has effected his purpose in making a protest, because, to my mind, the intended amendment is not common sense, and has more the spirit of mockery. I do not think the Chairman could have acted otherwise; in fact I absolutely uphold his ruling in respect to the amendment submitted.

Committee resumed.

Mr. Holman in the Chair.

Clause (65) put and passed.

Clauses 66 to 68—agreed to.

Clause 69—President may exercise certain powers in Chambers:

On motion by Mr. B. J. STUBBS, the clause was amended by inserting after "dispute" in line 4, the words, "or other matter," and as amended was agreed to.

Clause 70—agreed to.

Clause 71—Evidence:

Hon. FRANK WILSON: It was provided in paragraph 7 that no evidence relating to any trade secret or the profits or financial position of any witness or party should be disclosed except to the court or judge without the consent of the person entitled to the trade secret; but as he contended no one should be called upon to give trade secrets before the court unless the party felt it desirable to do so, he moved an amendment—

That the following be added to paragraph 7 after "disclosure":—"And no party or witness shall be compelled to

give evidence relating to any trade secret of such party or witness or to his profits or financial position."

No doubt the argument would be advanced that, if the party did not give the information which the court thought would be relevant to the case, the party would suffer, but that, surely, was the concern of the party. No person should be compelled to give information with regard to his financial circumstances or any trade secret, because it was a time-honoured custom and right of every subject to preserve the secret of his own industry.

The ATTORNEY GENERAL: The trade secrets and financial situations were sufficiently guarded by the clause. As a matter of fact, many cases before the court were of such peculiar nature that the disclosure of the financial position of the employer might be material to the decisions of the court. The evidence given by parties might be absolutely refuted by the production of the business ledgers. For instance, there was the timber case, where statements made in the witness box might have been refuted had the witnesses not protected themselves by saying that the financial situation of the company was a trade secret. Surely the court could be trusted not to divulge trade secrets or the financial positions of the parties. There was ample provision for preventing these facts becoming public property. Subclause 2 provided for the sealing up of matters not material, but before that could be done the court required to know the nature of the matters sealed up, in order to decide whether they should be sealed up, whether they should be put in evidence, and whether or not that evidence should be published. The secrets were fully protected, but it was absolutely necessary that the court should get at the real facts. Without this provision witnesses might refuse to give necessary evidence.

Hon. FRANK WILSON: The Attorney General had referred to Millars' Company by way of illustration. But the profits earned by Millars' Company were public property, published in the annual balance sheet under the Companies Act. This was not what he was objecting to, because it would be folly for a public company to refuse to give information concerning something that was already public property. But there were many trades to which absolute secrets were attached, such as secrets of manufacture and secrets of composition of materials, secrets which meant the success of the industry.

Mr. B. J. Stubbs: They have never been inquired into.

Hon. FRANK WILSON: Because there had never been power to inquire into them. The clause would provide such power. If an employer decided that he had better run the risk of a wrong construction being put on his action, and refrain from disclosing trade secrets, the court should not have the right to inquire into those secrets. To apply a condition like this would be to create endless trouble, because many trades existed on secrets of manufacture. The court was of a composite character and, therefore, to disclose trade secrets to such a tribunal would be to give away those secrets to the opposition camp. The employer would be disclosing his inmost secrets to the representative of Labour on the court. No matter how impartial that representative might be he would naturally keep an open eye on the secrets of an employer. The proposed power would impose serious injury on many employers.

Mr. Lewis: The power is in the Commonwealth Act.

Hon. FRANK WILSON: That was no reason why it should be inserted here. The court should not have the power to compel a man to give away his trade secrets. There would be plenty of evidence obtainable without forcing trade secrets from a witness.

Mr. B. J. Stubbs: The members of the court are sworn to secrecy.

Hon. FRANK WILSON: But when, for some reason or other, a party representative on that court vacated his position he was no longer sworn to secrecy.

The ATTORNEY GENERAL: The leader of the Opposition was raising a

bogey. There had been many complaints against the Commonwealth Act, but no complaint against the collateral section of that Act; nor had there been any abuse of it. Section 85 of the Commonwealth Act of 1904 had been many times amended, but notwithstanding that the Liberal party had been in office in the Federal Parliament since 1904 this section was still left in the Act. It provided that no evidence relating to any particular secret or to the profits or financial position of any witness or party should be disclosed except to the court. A subsection provided that such evidence should be taken in private if the witness or party so requested. We had precisely the same provision in Subclause 8. Where, then, was the danger of those secrets being made public? There were cases in which it was material that the financial position of the parties should be known to the court. The ability to pay wages might depend on the financial position of the parties.

Mr. GEORGE: Presumably the Attorney General had not had sufficient experience to teach him to realise the importance of a trade secret. Many years ago a certain tradesman had discovered a process of manufacture which enabled him to produce the finest axles in the world. Unfortunately, that inventor had died without imparting his secret, and so those renowned axles were now lost to the world. The manufacture of Worcester sauce might be taken as another example of the importance of a trade secret. Many outsiders had attempted to manufacture Worcester sauce, but in every instance they had failed to produce precisely the same article. The disclosure of trade secrets even to the court had its objections. Members of the court might not be re-elected. There were men and men; all were human, and the knowledge of a valuable trade secret might possibly be turned to advantage. Lee and Perrins' sauce could be made only by members of those families.

The Minister for Lands: Lots of people buy the substitutes.

Mr. GEORGE: Perhaps so.

Mr. Underwood: It is not bad after a night out.

Mr. GEORGE: The manufacture of armour plate had been kept a close secret.

The Attorney General: That would never come in unless it was a point at issue.

Mr. GEORGE: It was difficult to follow the legal mind of the Minister. The hydraulic secret of Tangye's was never discovered until it was betrayed by a workman.

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

Ayes	.. .. ..	13
Noes	.. .. ..	27
Majority against	..	14

AYES.

Mr. Broun	Mr. Moore
Mr. George	Mr. A. N. Piesse
Mr. Harper	Mr. S. Stubbs
Mr. Lefroy	Mr. F. Wilson
Mr. Male	Mr. Wisdom
Mr. Mitchell	Mr. Layman
Mr. Monger	*(Teller).*

NOES.

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

Amendment thus negatived.

Hon. FRANK WILSON moved a further amendment—

That after the word "party," at the end of Subclause 9, the words "or the court" be added.

Amendment negatived.

Clause put and passed.

Clause 72—agreed to.

Clause 73—Decision to be of majority of court:

Mr. A. A. WILSON moved an amendment—

That the following subclause be added:—"The decision of the court on the settlement of an industrial dispute

shall be drawn up in the form of minutes, which minutes shall be open to the inspection of the representatives of the parties concerned. An appointment shall be made by the court for the purpose of allowing the representatives of the parties to speak to matters contained in such minutes. As the outcome of such appointment and discussion during same, it shall be open to the court in its absolute discretion to vary, or amend, the terms of such minutes before the same are actually issued as an award of the court."

It was usual to go to the court for a definition after an award was given. He desired to secure the definition with the award. This excellent rule, he believed, was being followed by Mr. Justice Higgins in the Commonwealth court.

The ATTORNEY GENERAL: The idea was a good one, but there was the objection that it would delay the proceedings. When a long case had been heard and the parties were anxious to get an award as soon as possible, this would re-open the whole thing. That, however, was the only objection, and as the object was to secure definiteness and mature consideration, he was prepared to accept it.

Hon. FRANK WILSON: It was surprising that the Attorney General should agree to accept the sub-clause. It would make a complete farce of the arbitration court and its award. Could they imagine a court, after hearing all the evidence and having had the assistance of practical men as assessors, after thrashing out the matter and drawing up their award, then throwing it open for argument by the representatives of the parties? They could draw up their award in the shape of resolutions. If the Attorney General had not been admitted to the honourable profession of the law, he would probably be found arguing the point on the other side. It was difficult to believe that Mr. Justice Higgins would ever permit his awards to be questioned and debated by representatives of both sides. If that was not making a farce of the decisions of an honourable court he did not know what was.

The Attorney General: It is what is done in our courts of law every day.

Hon. FRANK WILSON: Nothing of the sort. A judge did not submit his judgment. An appeal could be lodged against it. To ask a court to submit to procedure such as was proposed would certainly be derogatory if not an insult to that court.

Mr. A. A. WILSON: The leader of the Opposition seemed to be only sparring for wind. The intention of the amendment was to do away with anomalies when an award was made. An instance might be given in connection with a case at Collie. The court made an award after evidence was taken and after having visited Collie, and the men on the top were given 12s. per day, and those below 8s. He drew attention to this anomaly, and asked that it should be amended. The president saw it at once and altered the award. If the minutes had been available previously it would not have been put in the award as it appeared.

Mr. GEORGE: An instance such as that which had been quoted by the member for Collie showed that there was no necessity for the amendment. What more did the hon. member want than the Bill proposed to give him in the way of asking for an interpretation of an award?

Mr. A. A. Wilson: I want to save the unions expense.

Mr. GEORGE: What the hon. member wanted had been done for many years past. It was provided in the Bill that no court shoud be able to interfere with the Arbitration Court. Now the hon. member wanted the opportunity of going before the judge and pointing out what should be done. This must be the court whose decision should be regarded as final, and we would never get finality if the amendment went through.

The ATTORNEY GENERAL: The amendment would not prevent finality and in no way interfered with it. If the hon. member would read the next clause he would see that the award had to be delivered after this was done. As a matter of fact, instead of this being derogatory and an insult to the court, as the leader of the Opposition suggested, it was the uniform practice of our courts to allow argument at every stage until a decision was finally delivered.

Hon. Frank Wilson: They do not submit their judgment for discussion.

The ATTORNEY GENERAL: Neither did we here.

Hon. Frank Wilson: Under this you do.

The ATTORNEY GENERAL: The procedure provided in the clause was the procedure which had been laid down from time immemorial. All matters coming before a court of equity were dealt with precisely in this form. The decision of the judge in equity was drawn up in the form of minutes, the parties were notified of the date to come together to discuss or argue upon the question and even in our common law cases at every stage up to the delivery of the judgment it was permissible to do this. On every point that might occur as to the facts of the case, the construction of facts, the law bearing upon the case, and even after the judgment was delivered by the lower court, there was an appeal to the Full Court or an appeal to the High Court or Privy Council, so that at every stage argument was permitted. What was the object of the member for Collie? It was simply to secure definiteness and certainty after the court had heard all the arguments and received all the evidence upon a particular case. There might be some facts that had been misconstrued, there might be some misunderstanding as to the character of certain evidence presented, and if that could be corrected before the court finally delivered their award, was it not much better for the court, better for the parties, and better for the public that that should be done?

Mr. Dooley: Read Clause 75.

The ATTORNEY GENERAL: All these clauses dealt with the matter. Clause 75 provided that the award should be made within one month after the court began to sit for the hearing of the reference or within such extended time as in special circumstances the court thought fit. In the interim between the taking of the evidence and the delivery of the final judgment there would be minutes drawn up as to the points and these should be open for fresh light to be thrown upon them by either party. The hon. member's desire was to prevent possible mistakes, to prevent the delivery of an award that might be amended before being delivered, instead of an award being delivered that would still be open to argument.

Amendment put and division taken with the following result:—

Ayes	27
Noes	13
Majority for	14

AYES.

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

NOES.

Mr. Broun	Mr. Moore
Mr. George	Mr. A. N. Piesse
Mr. Harper	Mr. S. Stubbs
Mr. Lefroy	Mr. F. Wilson
Mr. Male	Mr. Wisdom
Mr. Mitchell	Mr. Layman
Mr. Monger	(*Teller*).

Amendment thus passed; the clause as amended agreed to.

Clause 74—agreed to.

Clause 75—When award to be made:

Mr. MUNSIE moved an amendment—

That the following subclause be added:—"Every award shall be pronounced and delivered at the place where the hearing of the dispute or the principal part of the hearing of the dispute took place."

The desire was that as far as possible the members constituting the court, should deliver their verdict from the evidence produced before them on a particular case. It was the custom of all arbitration courts to defer the issue of an award for some time, one of the objects being to consult different books of reference with regard, perhaps, to the wages paid in other States in the same industry. His contention was that both parties should produce before the court their best evidence to substantiate their claims, and that the court

should deliver the award on that evidence without regard to what was done in any other State.

Hon. Frank Wilson: You have passed clauses that do not permit them to give awards on the evidence.

Mr. MUNSIE: The amendment moved by the member for Collie might occupy the court some time longer in delivering an award, but the desire of members on the Government side was to make a new Act, as perfect as possible, and if it took a week longer for the court to deliver an award in the district in which the dispute was heard it would be time well spent. There had been cases of the court hearing a dispute on the goldfields and then returning to Perth and three weeks later delivering the award. Even in courts where a man was being tried for his life, the judge, after hearing the evidence, which might have lasted perhaps a fortnight, immediately summed up to the jury, and the jury had to give a decision before they were released. He maintained that in cases where wages and working conditions were being fixed after the whole of the evidence had been submitted to the court, particularly now that the court was empowered to obtain the assistance of an expert in the framing of the award, the court should be in a position to deliver the award in the district in which the evidence had been heard. It would be in the best interests of all parties if that were done.

The ATTORNEY GENERAL: If the hon. member would consent to altering his amendment to make it read that the court should "as far as practicable" deliver its award in the district in which the evidence had been heard it would be acceptable. Already the Bill empowered the court to sit in any part of the State for the hearing and determination of any dispute that might arise, so that the court already had the option of doing that which the member for Hannans desired. The hon. member, however, desired to make it compulsory that the court should deliver the award in the place where the dispute was heard, and, with the addition suggested, he would accept the amendment.

On motion by the ATTORNEY GENERAL, the proposed subclause was amended by inserting after "award" the words "as far as practicable."

Hon. FRANK WILSON: If ever there was an example of weakness on the part of a Minister of the Crown it was the acceptance of this amendment by the Attorney General. Because the member for Hannans was a bit fractious, the Attorney General consented to accept the amendment after adding words which would make it of no effect. "Every award, as far as practicable, shall be pronounced and delivered at the place where the hearing of the dispute took place"—what effect could those words have?

The Attorney General: That is a direction.

Hon. FRANK WILSON: Already members had provided that the court should not deliver its verdict according to the evidence. We had passed Clause 65, for which the hon. member voted, in which it was provided that in granting relief or distress under the statute the court should not be restricted to the specific claim made, or to the subject matter of the claim, and the court could ignore the evidence or do anything it liked; in fact it had absolute power; it was not a question of getting evidence. The hon. member wanted the court to be bound to give an award right away, but there was experience in the past of the court going to the goldfields and hearing quite a number of cases and then hearing the addresses by those representing the parties in Perth and delivering its awards in Perth. Could we lock up the court as a jury, which the hon. member instanced, was locked up, until an award was given? We had just adopted an amendment, at the instance of the member for Collie, by which the court was to formulate its decisions in the form of resolutions and fix a day for hearing argument on the resolutions. That meant re-opening the whole thing by argument, not on evidence. yet the hon. member, by his silly amendment——

The CHAIRMAN: The hon. member is out of order.

Hon. FRANK WILSON: Well, foolish amendment.

The CHAIRMAN: That is the same thing. The hon. member must withdraw.

Hon. FRANK WILSON: It was an unreasonable amendment. One never knew before that "foolish" was unparliamentary. The court was to be kept away in some outback place until those representing the parties got rid of their intense eloquence on the resolutions which the court submitted. However, by the amendment, as it was now altered at the instance of the Attorney General, the whole thing would be a dead letter.

Mr. Heitmann: "It will do no harm."

Hon. FRANK WILSON: It would do harm to our reputation as a deliberative body. The hon. member ought to have more backbone and not allow his amendment to be emasculated by the Attorney General.

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

Clause 76—agreed to.

Clause 77—Terms of award:

Mr. GEORGE: It was provided in Subclause 2 that the award should also state in clear terms what was to be done by each party or by the workers affected by the award, and might provide for an alternative course to be taken by any party. Why should not the award say definitely what was to be done; why have an alternative?

The ATTORNEY GENERAL: In nearly every judgment there was an alternative course. A man might pay wages without keep or wages with keep. It was an indispensable power to give.

Mr. George: If in the case of the hotelkeepers the award was for 40s. and tucker, or 50s. without tucker, would that be an alternative?

The ATTORNEY GENERAL: Undoubtedly, and whichever course was taken would be the standard. If a man accepted 30s. and keep, that would be in the award, just as it would be if a man took £3 and kept himself.

On motion by Mr. B. J. STUBBS, paragraph (b) of Subclause 1 was amended by inserting "or industries" after "industry."

Mr. FOLEY moved a further amendment—

That in line 3 of Subclause 2 the words "employers or" be inserted before "workers."

Right through the measure the Attorney General made it clear as to how it should be binding upon the worker or the employer. It would be necessary to clearly lay down, for the sake of those administering the Act, what the Legislature expected, and so long as we did our duty in that respect it would be the funeral of the court if the Act was not administered properly. The words he proposed to insert were essential for the peaceful carrying out of any industry.

Amendment passed; the clause as amended agreed to.

Clause 78—Court may limit operation of an award to particular area:

Mr. WISDOM: Would the Attorney General tell the Committee if this clause would be amended in conformity with the amendment made in Clause 35? The identical words specifically struck out of Clause 35 appeared in this clause.

The ATTORNEY GENERAL: Clause 35 dealt with agreements. There was a little difference between an agreement and an award. An agreement was merely between certain parties, whereas an award affected the entire industry. Of course an agreement could be given the force of an award and actually made an award.

Hon. J. MITCHELL: The position was exactly the same as that dealt with by Clause 35. An agreement could be made an award, whereupon it would be brought under the jurisdiction of this clause. If it had been wise to take out certain words from the clause relating to agreements these same words should be struck out from this clause also.

Mr. WISDOM: It was now clear that the amendment made in Clause 35 would have no affect whatever, because of the retention in this clause of the identical words struck out from Clause 35. The agreement could be made an award of the court, and notwithstanding that certain words had been struck out from Clause 35 the same words appearing in

this clause would have relation to an agreement once the agreement had been made an award of the court. With these words which had been struck out from Clause 35 appearing in this clause all that was necessary was to have an agreement made an award, and thereupon it became a common rule. The words referred to were nothing more nor less than the assertion of the common rule principle. He moved an amendment—

That all the words of Subclause 1 after "locality" in line 3 of the subclause be struck out.

Mr. MUNSIE: The reason for his having moved to strike out these same words from Clause 35, dealing with agreements, was that he believed it unfair to allow any two parties to come together and agree to certain terms without going before the court, and then have that agreement made to apply to the whole of the State. This clause, however, dealt with awards of the court and, therefore, the words proposed to be struck out should be allowed to remain.

Hon. FRANK WILSON: Perhaps the Attorney General would express an opinion as to whether an agreement which had become an award of the court would, under this clause, automatically become a common rule.

The ATTORNEY GENERAL: Before an agreement could be made an award there would have to be a formal application and hearing. The court would have to declare it. The court had the power to extend an agreement, to make it an award, and it had also the power to limit the operation of an award to any particular locality. If in the judgment of the court, it seemed wise that the award should only apply to a particular locality, the clause gave the court the power to so restrict the award. If, on the other hand, the court deemed it right that the award should apply to the whole State, the necessary power was given in the clause. As pointed out by the member for Hannans, the difference between an agreement and an award was that under an agreement a body of workers could agree with one or more employers and quietly get their agreement registered. It might, perhaps, be unwise to allow such a contract to bind parties who knew nothing of it in the making. In the case of an award, however, the matter was heard in open court and was gazetted and, therefore, either party was free to apply to have the award limited.

Mr. GEORGE: Under Clauses 35, 37 and 40 we had provided for the making of an agreement, for the coming in of other parties to that agreement, and for giving the agreement the force of an award. Now in this clause we were asked to say that the court might limit the operation of an award, and, further than that, to repeat the words previously struck out of Clause 35. To be consistent we should strike out these words.

Amendment put and negatived.

Clause put and passed.

Clause 79—Award to be a common rule:

Hon. FRANK WILSON: The court had the power to make an award applicable to the whole State or any portion of it. The clause said that the award may be a common rule to any industry to which it applied.

The Attorney General: "Shall" be a common rule.

Hon. FRANK WILSON: An effort was made to amend Clause 40. The objection in that case was that two parties might make an agreement which might become a common rule without the parties outside being called before the court. Clause 79 made an award a common rule unless it was limited.

The Premier: Within the locality where the award applies.

Hon. FRANK WILSON: A common rule was understood to apply to the whole industry.

The Premier: In the locality where the award applies.

The Attorney General: It is a common rule either way.

Hon. FRANK WILSON: A common rule was that an award should apply to all engaged in that industry.

Mr. B. J. STUBBS: The hon. member was under a misconception as to what common rule meant. We had had common rule in existence ever since there had been an Arbitration Act, and there had never been an award which covered the whole State. A common rule applied to individuals engaged in an industry for which the the award operated, and ever since the Act had been in force there had been industrial districts and every award that had been issued had been a common rule over those industrial districts. A common rule did not apply to area, but to individuals.

Hon. FRANK WILSON: The clause read—

> An award shall, whilst in force be a common rule of any industry to which it applies, and shall, subject as hereinafter provided, become binding on all employers and workers, whether members of an industrial union or association or not, engaged at any time during its currency in that industry within the State.

The Premier: Read on.

Hon. FRANK WILSON: Common rule was defined in this clause; it applied to every person whether unionist or non-unionist engaged in the industry throughout the State, provided that if the operation of the award was limited to any particular locality then the common rule should not, as regards matters to which the limitation applied, operate beyond such locality. But the common rule was for the whole industry throughout the State. In the proviso there was a limitation under certain conditions. The clause seemed to be rather a dangerous one and it might well be struck out with safety so that the court might in its award define the area to which the award should apply.

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

Ayes	27
Noes	11
Majority for ..	16

AYES.

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

NOES.

Mr. Broun	Mr. Monger
Mr. George	Mr. A. N. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Lefroy	Mr. Wisdom
Mr. Male	Mr. Layman
Mr. Mitchell	(*Teller*).

Clause thus passed.

Clauses 80 to 84—agreed to.

Clause 85—Minimum wage, regulation of industries and employment of members of unions:

Mr. FOLEY moved an amendment—

> *That at the end of paragraph (a.) of Subclause 1 the following words be added:—"by reason of old age or infirmity."*

The Attorney General: The amendment would be better after the word "who" in the same line.

Mr. FOLEY: If any hon. member desired the amendment to be placed anywhere else he was at liberty to move in that direction. His reason for moving the amendment was that there were many men following occupations, and the more dangerous the occupation the more likelihood would there be of a greater number coming under the clause. He knew from experience that many men by reason of old age or infirmity were not able to earn the minimum wage, and in many cases they were refused work because the employers in the various industries considered that these men could not earn the minimum rate. This was not a new thing; it was provided for in the rules of almost every union and registered by the Registrar of Friendly Societies. It would be a wise plan to add the words at the end of the subclause.

Hon. FRANK WILSON: Why should this sympathy be limited to those who were suffering from old age or infirmity? The Attorney General was always asking members to trust to the court; let them trust to the court in this matter. Provision was already made for anyone unable to earn the minimum wage to apply to the tribunal for permission to work for a lower wage. That tribunal in the past had usually been the secretary of the union. Now, why not extend this concession to the men who were unable to earn the minmum wage? Was a man to be hunted out of an industry and thrown into perhaps the already overcrowded ranks of the ordinary labourers because he had not the ability to earn the minimum? Why should not he also have the right to go to the secretary of the union, explain that through his unfitness to earn the minimum he was unable to get employment, and ask for permission to work for the lower wage?

Mr. Carpenter: You favour grading?

Hon. FRANK WILSON: Every man should be permitted to work and no man forced to starve. The subclause was all right as the Attorney General had drafted it.

Amendment put and passed.

Hon. FRANK WILSON moved an amendment—

That paragraph (b.) of Subclause 1 be struck out.

This paragraph provided for the classification and grading of workers in any industry, a most malicious provision that should be deleted without hesitation. The court was to be given power to control the minutest detail of every industry. The members of that tribunal could walk into a shop and grade every employee into a class, prescribe conditions and hours of employment, and do anything which they in their wisdom thought ought to be done.

Mr. Underwood: Why not?

Hon. FRANK WILSON: No court in the world had the ability to grade the different industries even of Western Australia. This was an interference with the management of industries which ought to be in the hands of those who owned them. The subclause would not work equitably, and it would cause no end of trouble, not only to the employers, but also to the workers themselves. It was difficult enough for those who were experts in different industries to successfully grade their workers, but to expect the court to do it was out of the question, and was an unwarrantable interference with the management of industry.

The MINISTER FOR LANDS: The leader of the Opposition was like the Bourbons; he learnt nothing and he forgot nothing. The whole experience we had had of the imperfect working of the Arbitration Act and the acknowledged difficulty which the president of the court had indicated to the public from time to time had given convincing proof that a provision of this kind was necessary if the court was to fulfil what was required of it by the community. The leader of the Opposition begged the whole question of arbitration when he sought to make the employer the arbiter of the fate of those employed in an industry. An arbitration court was constituted in order to avoid the quarrels which occurred between employer and employee, and if the employer was to determine the whole of the conditions under which workers were to be employed, what was the need for this measure?

Hon. Frank Wilson: That is not my argument.

The MINISTER FOR LANDS: If the virtue of arbitration over the method previously adopted was admitted, one must also admit the wisdom of the arbitration court coming in and deciding the differences between the parties. The court in the past had been unable to fulfil the requirements of the public. It was in an impossible situation, because although under industrial agreements this grading had been done on innumerable occasions, and the agreements had been registered as decisions with all the force of awards of the arbitration court, yet what could be done by industrial agreements having the force of awards was not possible of accomplishment by the superior body, the arbitration court it-

self. This subclause sought to clothe the arbitration court, as the final deciding body, with the power to prescribe in an award conditions which might otherwise be arrived at by industrial agreement, but which, failing an agreement between the parties, necessitated an award by the court. In those circumstances, if the court could only say, for instance, that a minimum wage was to be paid, but then said "Our power extends no further and the matter which you came before us to decide in order to avoid dispute, is one that we cannot decide," the court and the Act were absolutely useless. If the Act was to be of any use whatever the court must be clothed with these powers. The leader of the Opposition, if he knew anything of the history of the court, would be aware that this was one of the matters on which there had been constant complaint, not only from those interested in industry, but also from the president of the court. The president had repeatedly asked for the court to be clothed with these powers, and the leader of the Opposition should not try to obscure the issue by saying that it was impossible for the court to determine these things. Surely if the parties met and provided for these things in an industrial agreement, they could bring sufficient evidence before the court, failing an agreement, to enable the court to determine the question and prescribe the wages and conditions of labour to obtain for various classes of employment in any industry. Unless this power were given, the measure would be useless.

Hon. FRANK WILSON: The employer and employee who understood the intricacies of their particular industry could come to a decision as to the different grades required, but no arbitration court in the world could do so. The Minister stated that the judge of the court had asked for this power. The other day Mr. Justice Burnside had voiced the opinion that Parliament should give him the power to fix the selling price of commodities, in view of the increasing cost of living.

Mr. B. J. Stubbs: That will come about in time.

Hon. FRANK WILSON: Was it any reason that the judge should be given these powers simply because he had asked for them? The Committee should pause before giving this power to the court; it would cause no end of trouble and, on the other hand, no injustice would be done to the worker because generally the object of the measure was to see that the employee received a proper wage. Beyond that the matter should be left in the hands of the employers and employees.

Mr. B. J. STUBBS: It was idle to say that the court could not grade employees, especially a court with the experience of the Arbitration Court, considering that an amateur court had graded the railway employees. It was not intended to grade the workers in every industry; it would be necessary only in some instances. No one man could grade every employee. A worker who was considered a first class tradesman by one firm might be considered second or third class by another. In some trades, however, the employees should be graded, and there was no intention to take that power away from the employer. No court could determine the capabilities of each individual; but they could decide what the grades should be and what rates of wages should be paid in each grade, leaving it to the employers to put the men in the various grades. The tramway trouble had arisen because the court had no power to grade and the company had refused to grade the men as the court had asked them to do. To say that the court should grade every workman in every industry was carrying the argument to an absurdity.

Mr. GEORGE: The greatest objection to the clause was the fear that it gave the court power to grade the men in every trade. No reasonable employer would disagree with it if the construction was as the member for Subiaco had explained it. The fear was that the court would have power, if a firm had a dozen fitters, to say that one man should receive 12s., another 12s. 6d. and another 13s., and so on.

Mr. B. J. Stubbs: That is not the intention.

Mr. GEORGE: Where grading could be carried out, as in the timber industry, it should be done, but the only person who could distinguish between the employees was the employer. If it were clearly understood that the clause did not go further than to say that an industry should contain certain grades, the fear would disappear. Since it had been provided that the court might reinforce itself by the assistance of experts, they were not likely to be misled when they came to the question of grades as described by the member for Subiaco.

Amendment put and negatived.

Hon. FRANK WILSON: Paragraph (d) provided that preference might be given by the court to unionists. He had always opposed preference being given to anyone in any award. Workers should be at perfect liberty to take work, and employers should be at liberty to employ any labour offering. It was a dangerous clause giving preference to different members of industrial unions, and therefore of necessity he must move an amendment—

That paragraph (d) of Subclause 1 be struck out.

This was a question that might be debated at very great length. For the last six years there had not been a session of Parliament when it had not been discussed in some shape or form. It was an unwarrantable interference with the liberty of the subject, and was simply put in by trades unionists in order that they might bring pressure to bear on those who would not join their ranks or believe in trades unionism, especially when it had taken a political turn as it had done in Western Australia of recent years. An award should apply to anyone engaged in the industry, but should not express preference to anyone.

The ATTORNEY GENERAL: The hon. member was never tired of throwing dust in the eyes of the public by perpetual references to the so-called tyranny of the trades hall crowd. They did not dominate legislation in the Federal Parliament.

Hon. Frank Wilson: They wish to.

The ATTORNEY GENERAL: What did the hon. member want?

Hon. Frank Wilson: To give fair play to everyone.

The ATTORNEY GENERAL: Then the clause must stand as it was printed. In 1910 this was passed in the Commonwealth Parliament—

> Whenever in the opinion of the court it is necessary for the prevention or settlement of the industrial dispute, or for the maintenance of industrial peace, or for the welfare of society, to direct that preference shall be given to members of organisations as in paragraph 9 of Subsection 1 the court shall so direct.

The hon. member had not cried out about that, nor had the country cried out about it, or felt any injury from it. Sometimes a provision of this kind was necessary. It more than once happened that those who took active part in getting justice for their fellow-men were dismissed immediately after or coincident with the attainment of that justice, and the free labourers taken on in their place were men who were willing to take advantage of the misfortunes of their fellows and gratify their own selfishness. Instead of the trouble being settled, the very victimisation of those men created further discontent and led to further strife and complications. The paragraph was inserted in this clause to prevent that. Part of the condition upon which men fought for their betterment, if their case be just, was that none of those who were mouthpieces of the whole body should be made the victims; yet of comparatively recent years it was the invariable rule that the employers one after another found some trivial excuse to get rid of those who acted as mouthpieces of their fellow-men. We would never have industrial peace if we allowed tactics of that kind to prevail, because it would only serve to widen the breach between the employing class and the employed class. On that score preference to unionists was justifiable. But what was sauce for the goose was sauce for the gander, an expression he might again use without any desire to be personal. The employer could insist that the men offering to do his work should be the best men available, and in their

respective industries the best men available were in the unions. The qualification for being in the engineers' union was that a man must be an engineer.

Mr. George: Yet there are plenty of engineers who will not join the unions.

The ATTORNEY GENERAL: That was evidence of their imperfection. What did unionism mean but a recognition of human benefits?

Hon. Frank Wilson: It means a political organisation in this State at the present time.

The ATTORNEY GENERAL: What was the whole of society? The hon. member with his constant irritating interjections——

Hon. Frank Wilson: Trades unionism does not mean efficiency.

The ATTORNEY GENERAL: To belong to the carpenters' union a man must be a carpenter.

Hon. Frank Wilson: That is no proof that he is a good carpenter.

The Minister for Lands: Where unionism is strongest is where the highest degree of efficiency exists.

The ATTORNEY GENERAL: That was the universal testimony of employers. The mine managers of Kalgoorlie would say that the Kalgoorlie miners were on a higher standard as miners than those in any other part of the world, and in no part of the world was unionism stronger than on the goldfields of this State.

Mr. George: That does not prove that unionism has brought efficiency.

The ATTORNEY GENERAL: It was a fact that efficiency was found in unionism. The incompetent man did not join a union. Where were the competent men outside? The man who was a unionist was a better man than a man that stood outside a union. No man could be a unionist unless he recognised something beyond his own selfish interests in life, or until he recognised that his fellow-men had merits and qualities deserving of comradeship. The man outside fighting a single hand for himself was as the miser compared with the rest of society. Hermits and misers were defective in character, moral qualities and social instincts and, like Ishmaelites, stood outside the pale of society. The man who could recognise the good qualities of his fellow-men was a man who, by that very recognition, showed not only a superior brain, but a superior heart, and had social qualities which the world needed. The men fighting on the lines of selfishness were anti-social in character. Society was built up by a combination of qualities for the mutual betterment of all, and he who by his power of combination, working hand in hand with his fellow-men, joined with them and lent his help to the betterment of society was of use to society, and society, therefore, should give to him the first place in recognition when it was a matter of comparing him with the anti-social, selfish, isolated, miserly and hermitical man. The whole body of society was an organisation; all were intertwined; the warp and woof of development were through the whole body corporate, and we improved and developed socially by the mutual commingling of our best efforts for the betterment of all. Therefore, the unionist, being social in instinct, was a man that we should encourage, and not a man that we should despise and slander, and it was to the benefit of the employer to employ him.

Hon. Frank Wilson: Why give him the preference. That is the point.

The ATTORNEY GENERAL: Because we were determined to fight against the short-sightedness of those employers who were embittered by prejudices of their own anti-social instincts.

Hon. Frank Wilson: You believe in majority rule?

The ATTORNEY GENERAL: Certainly.

Hon. Frank Wilson: You have not a majority in the unions.

The ATTORNEY GENERAL: The majority was sympathetic. The charge was that we had been sent here by the Trades Hall crowd. In that case, hon. members opposite should give preference to unionists.

Hon. Frank Wilson: No fear!

The ATTORNEY GENERAL: What was the principal effort in life of the

leader of the Opposition, his day dream and his nightmare?

Mr. Green: Frank Wilson.

The ATTORNEY GENERAL: It was to go to Maylands and address the sacred thirteen, to be here and there and everywhere trying to get a big union of pure and undiluted political worshippers of Frank Wilson and his principles, to organise.

The CHAIRMAN: Order! The hon. member was not in order in referring to a member by his name.

The ATTORNEY GENERAL: The allusion was made to the hon. member as apart from his position in the House in the abstract. The hon. member was attempting to organise a pure political party. What were the unionists trying to do? First of all fostering their trade.

Hon. Frank Wilson: To organise a pure political party.

The ATTORNEY GENERAL: To organise a pure political party. He was glad to have that admission.

Mr. Green: Pure with a capital P.

The ATTORNEY GENERAL: That was the idea of the unionists.

Hon. Frank Wilson: And that is ours, why should you prevent the other fellow from living?

The Premier: It is the reverse.

The ATTORNEY GENERAL: The whole scope of the party represented here by the majority was to give everybody a chance.

Hon. Frank Wilson: You do not do it in this Bill.

The ATTORNEY GENERAL: It was done in this very Bill. We benefited those who were non-unionists as well as those who were unionists, and the everlasting struggle of unionists had been to better the lot of their fellows. They had striven by all honourable means to bring into their ranks those who had maligned them and who had misunderstood them, those who had been going selfishly through life and those who had tried to fight life's battle alone and had failed.

Hon. Frank Wilson: And if you cannot get them into the unions they starve.

The ATTORNEY GENERAL: What would these people do if unionism were swept out of the world and they were left at the mercy of employers? The bulk of the enlightened employers were beginning to recognise the benefits of unionism and would not have anyone but unionists working for them. Suppose we had the unenlightened of the days gone by, then we should have the employers saying, "I want you to-day," and when night came, "I shall not want you to-morrow." What would they care what became of these men, whither they went and how they fared?

Mr. Green: There would be Chinamen employed to-morrow.

The ATTORNEY GENERAL: A practical illustration of that was given in the mines of South Africa where unionism having made an assertion of its dignity, the employers determined to conquer it by importing the alien to displace these men.

Mr. Wisdom: Because they could not get enough niggers.

The ATTORNEY GENERAL: Or niggers. What did the unenlightened employers care what became of their fellow mortals after they had done with them?

Mr. Wisdom: They still employ niggers.

The ATTORNEY GENERAL: What did this proposition that was being put into the Bill stand for; that the employers should be taught the unwisdom of their anti-social tactics in trying to make human flesh and blood a mere article of convenience to be thrown on the scrap heap the moment they had done with it. All might join the union if they had sense and heart enough; there was no exclusion. Honourable men with the love of their fellows could all belong to unions. Where then did we exclude? This preference was only to prevent victimisation by unjust employers of those who had the moral courage to stand up in defence of the rights of their fellow beings, and also that the best men should be available when required in any employment that was going.

Mr. GEORGE: The Attorney General had made an entertaining and interesting speech, but the other evening when the member for Collie wished to carry this question the Attorney General voted against him. What would happen if this

went through? That a man to get employment must be a unionist. It was his hope that every man in Western Australia would be a unionist. Why? Because at the present time the men who were outside the unions and who should have equal rights to live and work as the men in the unions, if they got in the unions, we would then have what we were deprived of to-day: liberty of the subject. Did not the Attorney General know that the big majority of employers in Australia to-day had sprung from the ranks? They were men who had worked their way up and got their first start by thrift. The majority of employers in Western Australia were in that position also. The Attorney General also knew that the first start of unions was in connection with guilds, and what were they? They had a proper training of men for their particular trades. Were the unions to-day doing that?

Mr. Dooley: Of course.

Hon. Frank Wilson: No.

Mr. GEORGE: Was it their primary object to do that? The Attorney General knew that it was not. What had they done in connection with unions? They had produced, as the hon. member for Sussex had said, the finest political organisation that this century had seen, and they probably felt that they had been driven into that political organisation because they thought that that was the only efficient means by which they could get what they desired. The Attorney General had argued that a man must be a more competent tradesman because he was a unionist. There were competent tradesmen who would not join unions. Why did they not do so? Because although so far as their sympathies as tradesmen were concerned, knowing that the union should make provision for thoroughly training a youth to make him a competent tradesman, they did not agree with the use that was made of the union for political purposes. The competency of a tradesman was not ensured because he had the labour brand on him, and a man might be a competent tradesman, but in politics he might be a Liberal and might not feel inclined to join a union where he might be forced to actually vote against his own convictions.

Mr. Gill: Not at all.

Mr. GEORGE: If a man joined a union to-day he was dominated by the Trades Hall and whatever other caucus there might be that he knew nothing about. A man would have to follow the political trend of his union or else he would be called up.

Mr. A. A. Wilson: No, no.

Mr. GEORGE: There had been a case recently at Boulder where members of unions had been called to account, because in connection with a municipal election they had not voted in the way which it was desired they should have done.

Mr. Heitmann: You wanted men to work for 6s. 6d. a day?

Mr. GEORGE: The hon. member knew nothing whatever about it. Only the carriage cleaners had been asked to work for that wage.

Mr. Heitmann: Married men working at 6s. 6d. a day.

Mr. GEORGE: The wage had not been fixed by him, but was in operation before he went to the department. Although the hon. member might know something about mining, he knew nothing whatever about railways.

Mr. Heitmann: You did not know much about it when you went there.

Mr. GEORGE: It would be an easy matter to take the hon. member and lose him in five minutes. He (Mr. George) would vote for an amendment to force all men to join a union, because this would be the best thing that could happen us; but he was not going to vote for the court to order preference to any particular class of unionists, seeing that the taxes to be paid fell with equal weight upon all, unionists and non-unionists alike. There was not only the question of the right to work, but that also of the right to live. Men had been marked as "scabs" and "blacklegs" for merely following the dictates of conscience. Quite recently a black list had been circulated in respect to the tramway employees.

Mr. Heitmann: Good enough, too.

Mr. GEORGE: Then the hon. member knew of the list?

Mr. Heitmann: Yes, I helped to compile it.

Mr. GEORGE: And, perhaps, to circulate it?

Mr. Heitmann: Yes.

Mr. GEORGE: Then if the Government took over the tramways it would be "God help those poor fellows working on them," for the hon. member would drive them out to starve. These tramway men who had acted, as they thought, with the liberty that should be granted to everybody, had been branded as "scabs," and if the Government took over the tramways, it would be "God help these poor fellows and their families." Yet the hon. member talked glibly about the right to work. The tyranny displayed by the hon. member was sufficient to make one's blood run cold.

Mr. McDowall: Did they not take the other man's job?

Mr. GEORGE: No. Did not the hon. gentleman reserve to himself the right to drink what he chose?

Mr. Green: We would not do another man out of his job.

Mr. GEORGE: If the principle affirmed by the member for Cue were carried out, and if on the Ministerial side they were water drinkers, while those on the Opposition fancied whisky, the fiat against the members of the Opposition would be "Off with their heads."

Mr. B. J. Stubbs: You are trying to cover up your tracks of the other night.

Mr. GEORGE: Nothing of the sort. He had voted with the member for Collie, and in similar circumstances would vote exactly the same way again.

The MINISTER FOR LANDS: The member for Murray-Wellington and his leader were very virtuous and innocent, and could talk heroically about tyranny; but when they talked about the right to live they should be reminded that the clause was necessary, because employers had denied the right to live to men prominently connected with unions, and with the work of citing cases before the arbitration court. These men had been discharged and included on black lists, in consequence of which they had found themselves unable to obtain employment. What had been done on the goldfields of Western Australia had been done by these hon. members and their friends in the City. Both hon. gentlemen had been connected with organisations which repeatedly practised this tyranny and denied to men the right to live.

Hon. FRANK WILSON: The Minister should be directed to withdraw that statement. He (Mr. Wilson) had never been connected with an organisation which practised any such tyranny.

The Minister for Lands: You have.

Mr. GEORGE: The Minister should be made withdraw. He (Mr. George) had never seen a black list in his life, except the one referred to by the member for Cue.

The CHAIRMAN: The hon. members had denied the statement of the Minister for Lands, and the Minister would have to accept that denial.

The MINISTER FOR LANDS: The denial would be accepted, and the statement withdrawn. Still, these organisations the hon. members were fighting for had practised the tyranny referred to.

Hon. Frank Wilson: What organisations?

The MINISTER FOR LANDS: The employers' organisation.

Hon. Frank Wilson: We have not fought for any organisation. We are fighting for the liberty of the subject.

The MINISTER FOR LANDS: The liberty of the subject referred to was the liberty to say to an employee, "You must not take part in organisations, or in bringing cases before the arbitration court, or we will not employ you." That was the liberty of the subject which the hon. gentleman and his friends were fighting for. It was that which had brought into the New Zealand Act the provision included in the measure before the Committee. Awards were given in New Zealand, and the employers immediately discharged those prominently connected with the organisations which had secured the improved conditions. When these men were discharged there was none left to see that the awards were carried out, and consequently the employers were able to defeat the awards and disregard them.

The arbitration court of New Zealand had thereupon taken up the position "This award must be observed. It has been issued by us as conditions which we regard as fair and which should obtain in the industry. That being so, this award must be observed and those who have been instrumental in securing it, must not be victimised; the only way in which we can secure them from being victimised is by making provision that they must be assured of employment." Now, this clause did not mean that only unionists should be employed. The amendment of the member for Collie proposed that every worker should become a unionist, but this only said that those who had worked to secure the better conditions should be given preference. All the best opinion in civilised countries to-day was in favour of trade unionism, and there was no man who laid claim to public eminence who did not endorse the remarks of the late Hon. W. E. Gladstone when he said that trade unionism was the bulwark of democracy. A return recently prepared by the Labour Department of the United States showed that, without exception, where trade unionism was strongest there was the highest degree of skill and the highest production per working unit, and that where trade unionism was weakest there was to be found the least degree of skill. That proved the contention of the Attorney General that trade unionism, speaking generally, was the best evidence of competency on the part of workers. In these days industry was not carried on by individuals but by corporations; it was complex, and the interest of the units were more and more wrapped up in each other. Trades unionism had demonstrated the fact that the interests of the workers were bound together, and that without working together for their mutual benefit the workers must undoubtedly go to the wall. Even though admittedly there were times when the resentment of organised unions took the form of obloquy urged by those who fought against them, still this was due to the fact that experience proved that where trades unionism had been weakened, it had been entirely due to the employers being able to secure a sufficient number of what might be termed free labourers—those who had no recognition of their social duty—to defeat the workers. Invariably the defeat had not been due to the inherent weakness of the workers themselves, but to the treachery of those who fought against them by acting as tools of the employers. The employers showed no gratitude to these men, because in every dispute in which the strike-breaker had been successfully used to break down the organisation of the workers, no sooner was the fight won by the employer, and the workers beaten for the time, than the strike-breaker was turned aside. It was not consideration for the strike-breaker that prompted opposition to preference to unionists, but the tyranny on the part of employers, who would deny to the workers a fair share in the product of their labours.

Mr. CARPENTER: The clause was not going to give the unionists the protection which it sought to give, because it would not prevent any employer from sacking a man who took a prominent part in the citing of a case before the arbitration court. If a clause could be framed to make it a penal offence for an employer to dismiss a man within a certain time after a case had been cited, unless he could give strong reason for so doing, such a provision should be inserted in the Bill. All the clause provided was that where that sort of thing happened, and a man was victimised because he had taken a prominent part in preventing or patching up an industrial dispute, his place must be filled by some other member of the trades union. In other words, if the employer caused a vacancy by dismissing a man, he must, all other things being equal, give preference to a unionist. The member for Murray-Wellington had not been consistent. A few nights ago the hon. member was ready to vote for compulsory unionism, and argued that once a man obtained the benefit of an award or an agreement, he should be compelled to join a union.

Mr. George: I said, "Make them all unionists."

Mr. CARPENTER: Well, where was the hon. member's consistency when we asked that members of the unions should have some protection against employers who tried to victimise them simply because they had done something for the benefit of the employer, as well as the employee, to preserve industrial peace? Could the hon. member quote a single case of tyranny? A similar provision had been in operation for some years in the New Zealand, New South Wales and the Commonwealth Acts, and had members heard of a single attempt of oppression towards non-unionists? The talk about the wickedness of depriving men of their living was nonsense.

Hon. Frank Wilson: You have the admission of your Whip.

Mr. CARPENTER: Scores of cases were known to him in which unionists had been tyrannised by employers. Most of his colleagues had suffered because they had taken a prominent part not in a strike but in an attempt to preserve peace.

Hon. Frank Wilson: Quote them.

Mr. CARPENTER: In Victoria at the time of the maritime strike his union were drawn into the trouble, and as soon as the fight was opened word was passed to the foreman of the works where he was employed to put off every man who was an officer of the union. He was personally warned to resign the office of secretary, and one day the foreman touched him with a two-foot rule and told him to stop. No fault was found with his work. Some of the best men in the shop were put off purely on account of malice and spite on the part of the manager, who had been beaten in a fair contest of his own seeking. Protection should be provided for the workers in such cases. The clause ought to be called "protection to unionists" as the word "preference" conveyed more than was provided. He did not think there would ever be a case of oppression under it, and when the public understood the meaning of it he did not think any objection would be raised.

Hon. FRANK WILSON: The Minister might report progress at this hour.

The Attorney General: Finish the clause.

Hon. FRANK WILSON: There was another portion of it which he would fight.

The Attorney General: If we report progress it will mean that we will have all the discussion over again.

Hon. FRANK WILSON: If the Attorney General would insist on working overtime he must proceed. Assuming that all the member for Fremantle had said was correct, one swallow did not make a summer.

The Minister for Lands: We can all quote instances.

Hon. FRANK WILSON: So might he. Need we go beyond the admission we had from the member for Cue, that he had compiled a black list of tramway employees to be fired out as soon as the Government got charge of the system.

Mr. Carpenter: Who said that?

Hon. FRANK WILSON: The Government Whip.

Mr. Heitmann: I ask for unqualified withdrawal. The member has made a statement which he knows is untrue.

Hon. FRANK WILSON: I object to that remark.

The CHAIRMAN: The hon. member is not in order in making that remark.

Mr. Heitmann: Well, I will say the statement is not correct.

The CHAIRMAN: What is the statement you object to?

Mr. Heitmann: That the Whip had compiled a black list of tramway employees to be fired out as soon as the Government took charge. I made no such statement.

The CHAIRMAN: The member for Cue has denied that he made the statement and the leader of the Opposition must accept his denial.

Hon. FRANK WILSON: Well, the denial would be accepted.

The CHAIRMAN: And the remark withdrawn.

Hon. FRANK WILSON: If *Hansard* were appealed to he thought it would be found that the Whip had used those words. The member for Murray-Wellington said these men would be fired out, and the

Whip acknowledged that he had drawn up, or was assisting to draw up a black list; and when the member for Murray-Wellington said they would be fired out Mr. Heitmann remarked, "Good enough too." What other construction could anyone put on those words? Of course they would be fired out. No doubt employers had sacked officers of unions on occasions, but did that prove the necessity for doing an injustice to a large proportion of the community? Should 70,000 odd workers who were not trades unionists be compelled to suffer for 21,000 workers who were trades unionists?

Mr. Munsie: Who got the figures for you?

Hon. FRANK WILSON: Members knew there were a larger number outside than inside trades unions; but supposing the figures were reversed, had the majority the right to dictate to the minority? The complaint was not against legitimate trades unionism, but against the political organisation which forced the members to vote and exercise their franchise in the direction decided by the majority.

Mr. O'Loghlen: That is wrong.

Hon. FRANK WILSON: That was absolutely the case, and the hon. member knew it. The man who voted contrary to the selection of his union was branded as a scab and a blackleg, and if possible he was fired out. There was no question about that.

The Minister for Lands: That is absolutely wrong.

[*Mr. McDowall took the Chair.*]

Hon. FRANK WILSON: It ill-became the Minister for Lands to work himself into a passion, as it did not carry any weight or lend any force to his arguments. The hon. member charged employers generally with the sin—and it was a very vital sin if it was the case—of dismissing their free labourers as soon as a strike was over. The truth, however, was that these men were never dismissed; they were gradaully worked out by the intimidation of the trades unionists who came back to work alongside them. It was not done in the open but in the by-ways and in secret. They intimidated these men on their way home, and they intimidated the wives and children; and the result was that these men got out of their jobs and were very glad to get out of the district. There was the case previously cited of a man working on the wharf at Perth who said he was perfectly satisfied not to join a union when first asked to do so, but was told on the second occasion that he must join or lose his job. Then when he had sent along eight shillings to pay his fees he was not notified of the holding of a meeting of the union and he was informed that if he did not turn up at the next meeting he would suffer. Upon this the man said that he would not join the union, and the union would not let him work on the wharf or join the union. Some days afterwards he got his eight shillings back and was quietly told by the foreman that he could not work there any longer. This was the sort of thing that was constantly going on. That was the tyranny. The right to live did not exist unless a man was a member of a union, and very often he was not permitted to become a member of a union. There was one case where a man was hounded out of the State.

Mr. O'Loghlen: You said he was hounded out and that his parents were driven out also.

Hon. FRANK WILSON: It was said the man was hunted out and that the parents were going out also.

Mr. O'Loghlen: They did not go.

Hon. FRANK WILSON: It was admitted the man was hounded out.

Mr. O'Loghlen: No; it is nothing but exaggeration from beginning to end.

Hon. FRANK WILSON: Had not the man gone?

Mr. O'Loghlen: Yes.

Hon. FRANK WILSON: That man was not permitted to earn bread and butter in this State.

Mr. Heitmann: Do not forget the Chamber of Mines tried to put me in; they brought me into the Supreme Court; they wanted to put me out of the House.

Hon. FRANK WILSON: Would it have been a great loss?

Mr. Heitmann: It shows tyranny is not all on one side.

Hon. FRANK WILSON: Trades unionism was all a question of party politics and not a question of betterment of members or labour generally. Trades unionists were not philanthropists engaged in the uplifting of humanity. If a member of a trades union did not vote according to the dictates of his union he was a scab or blackleg and was not wanted in the union. It was admitted the miners in the unions were good miners, but most of these men were good miners before they joined unions. The unions were all political organisations. The Attorney General exaggerated when he said the Liberal association existed to endorse Frank Wilson and Frank Wilson's principles. It simply worked as a political organisation to endorse Liberal principles, and that was a legitimate aim. It was not a legitimate power to exercise to say. "You shall vote in a way we dictate."

The Minister for Lands: Pure bunkum.

Hon. FRANK WILSON: The Attorney General had stated that the fact of a man being a member of a union was evidence that he possessed brains and heart. That could not be borne out by experience. If the trades unions did as the ancient guilds did, if they made it a condition of membership that a man had to prove his ability there would be some solid foundation for the arguments of the Attorney General. A man who was a carpenter might come along, it did not matter whether he was a good, bad, or indifferent carpenter, in he went. He was willing to admit that a majority of members of the union would be good tradesmen, but that fact did not prove the contention of the Attorney General that there were no good men outside the unions. Why should those men outside trades unions be denied by any clause in the Bill the right to work, if the court in its judgment thought fit to grant someone else preference? It was preposterous. Hon. members talked about the meanness and the greed on the part of the employers, but it was nothing as compared to the greed of the trades unions who wanted to deprive these fellow-workers of their means of livelihood. The Attorney General also argued that the leading men at home were trades unionists and that Gladstone had spoken in support of unionism. Nearly every public man had done so. He (Mr. Wilson) had done so and hon. members should not run away with the idea that he was opposed to trades unionism. So long as it sought legitimate ends, so long as it furthered the interests of its own members without interfering with others, he would continue to support it. If hon. members were going to pass laws of this description and if they were to be exercised then the whole system would break down under its own weight. He hoped that the common sense of the Committee would not lead it to grasp at it as the monkey did when he put his hand into the bottle for the nuts and found that he could not withdraw it, otherwise they would find themselves in the same position as that monkey. It would cause trouble and bitterness. Instead of having a conciliatory measure which everyone hoped for, a measure which would bring peace and goodwill to all sections of the community, it would be a measure which would stir up strife and bitterness of spirit, not only between employer and employee which he was sorry to say existed at the present time to some extent, but between sections of workers.

Mr. O'LOGHLEN: Though the leader of the Opposition had given warnings of the dire distress that would follow if the court should enforce this provision, the hon. member might be asked to produce some evidence of these difficulties and disabilities which had been experienced as the result of the working of the Federal Arbitration Act. This power existed under the Federal law. In our own case however it might not be exercised. Where were all the fears of the leader of the Opposition?

Hon. Frank Wilson: What was the good of having it there if it was not going to be exercised?

Mr. O'LOGHLEN: Every measure which the leader of the Opposition had introduced contained dozens of provisions which perhaps would never be enforced. In the present instance it was necessary for the provision to be in the Bill so that the matter should be left to the discretion of the court.

Hon. Frank Wilson: Do you want preference?

Mr. O'LOGHLEN: Preference was wanted, all things being equal, because it was realised that the cream of the world's workers belonged to trades unions. The leader of the Opposition had trotted out the old wail about the Wells' case, the man who was supposed to have been hounded out of the country, but the hon. member knew that it was an exaggeration from beginning to end and he challenged the hon. member to prove what he had said. Although there might perhaps be one or two instances where perhaps the workers had been treated as undesirables, when we came to the employers it was found that some had published black lists.

Hon. Frank Wilson: Do you support the tramway black list?

Mr. O'LOGHLEN: That question was not being discussed. The leader of the Opposition however would not like to take unto his bosom some of those beauties who were included in that list.

Hon. Frank Wilson: You have no right to say that; you do not know anything about them.

Mr. O'LOGHLEN: The Chamber of Mines published a black list on one occasion, and the same thing was being practised right along the line, not only by the Chamber of Mines but by every other big corporation in the State.

Hon. Frank Wilson: I do not believe it.

Mr. O'LOGHLEN: It could be proved. Seven years ago the workers in the timber industry had an organisation of less than 100 strong, and the employers could impose any conditions they liked, the men being helpless. To-day, however, the workers in that industry had an organised strength of about 4,000, and were prepared to stand up in their own defence. Happily, too, the employers had realised that it was more satisfactory to deal with the workers collectively than in the small groups in which they had previously been scattered, and even admitted that the organisation was a power for good. In every land trades unionism was the pioneer of all reform movements. Having made many sacrifices in the interests of their fellows the unionists ought to have preference, and hon. members should have sufficient confidence in the court to grant the power for giving preference where a good case was made out. The Chamber of Mines and other organisations of employers practised the black list system. He had in his possession a letter signed by one Alfred Howell, and addressed to the manager of the Sunshine Harvester works, recommending for employment a free labourer named Gibbs on the score of his having repented of being a member of the sheet metal workers' union. Gibbs was now a member of the union of free workers of which the leader of the Opposition was patron.

Hon. Frank Wilson: No, I am not patron. Just the same, why should not the free workers form a union?

Mr. O'LOGHLEN: There was no reason at all, except that such an organisation would be but short-lived. As for boycott, we all exercised an individual boycott at times. The leader of the Opposition had gone to Nanga Brook and told the electors that the Labour leaders held a whip over them, with the result that he induced five of them to record their votes against him (Mr. O'Loghlen). Then the late Minister for Mines and the late Minister for Lands had visited Mornington, where they won only three votes out of 198.

Hon. Frank Wilson: Surely that proves that you held the lash over the men.

Mr. O'LOGHLEN: A number of members of his union had voted against him, and would always vote against a Labour candidate, for the simple reason that they were only in the union to save trouble. That union had been responsible for building up the industry.

Hon. Frank Wilson: No, I built up the industry.

Mr. O'LOGHLEN: The hon. member had run all his enterprises on the rocks.

For a long time the union had had nothing but strikes and other troubles, but for the last five years industrial peace had reigned. Although there were many men who, while participating in the benefits won, refused to contribute, yet they were not hounded out of the industry. The principle of preference was required to prevent good men being sacrificed by the employers. He was not prepared to blame all employers. Rather was it the system that was wrong. If the workers were the employers they might be tempted to adopt the policy of the employers. Ninety per cent. of the employers were looking to get the maximum amount of work for the minimum outlay, while on the other hand many employees asked for the maximum amount of money for the least effort. Unfortunately the employer held the whip all the time, and so the employee came off a bad second. There was no great harm in giving to the court, in certain cases where the evidence warranted it, power to say that those men who had shown their desire to improve the conditions of the people as a whole, their willingness to assist in the building up of a prosperous community, and in preserving industrial peace, should be protected against employers who desired to publish a black list and victimise them.

Mr. HEITMANN: In connection with the tramway trouble it was within the memory of members that certain men who had proved failures in competition with their fellows took the opportunity, when the unionists were fighting to get better conditions, to seize their billets. What would be the attitude of the employers if after a number of them had joined together for a particular purpose certain of them broke away? What would the leader of the Opposition have done if some years ago when the price of timber had been advanced some 4s. per thousand feet some of the retailers had attempted to sell under the price fixed? Only to-day had the leader of the Opposition and the member for Murray-Wellington discovered that there was curtailment of the liberty of certain people in the State. What had the leader of the Opposition done when in power to protect the retail butcher, who, because he attempted to sell at a half-penny per pound under the price ordered by the meat ring was hounded out of the business? There was again the instance of the co-operative bakery which found that it could sell bread at a price below that fixed by the other bakers, and the millers stopped its supply of flour. Did the leader of the Opposition consider the liberty of the subject then? In times of war when nations were fighting together and one man went over to the enemy, what was the treatment he received?

Hon. Frank Wilson: I would stand him up against a wall and shoot him.

Mr. HEITMANN: That crime was no worse than that of a man turning against his fellow-men in times of industrial struggle.

Hon. Frank Wilson: There is no comparison.

Mr. HEITMANN: The leader of the Opposition must in his own heart despise any man who turned traitor to his fellow-men in any respect. This so-called tyranny had been practised the world over for ages and was even practised in the hon. member's own party. Had there been no unions and no restraint on the actions of the hon. member and his fellow employers, the men in the timber industry would be working to-day for 6s. and 7s. per day.

Hon. Frank Wilson: Nonsense; they got better wages and shorter hours from me than from any other employer in the State.

Mr. HEITMANN: One rate of wages cited by the hon. member before the Arbitration Court was 6s. 6d. per day, and did the hon. member mean to say that if there were no restraint on his actions he would pay more than 6s. 6d.? The leader of the Opposition was continually saying that so long as the unions confined themselves to their proper functions of improving the conditions of their members he would support them, but when they entered into politics they were no good at all.

Hon. Frank Wilson: But you force your members.

Mr. HEITMANN: The hon. member had never known of a man being victimised because he held political opinions opposed to those of the union.

Hon. Frank Wilson: There was a case at Boulder recently.

The Minister for Mines: That man had pledged himself to vote for the Labour platform.

Hon. Frank Wilson: Is that any reason why he should not be allowed to change his opinions?

The Minister for Mines: If he has changed his opinions he should leave the union.

Mr. HEITMANN: Trades unions were forced to take political action in order that they might give effect to the principles which they knew to be right.

Hon. Frank Wilson: And give preference to their own members.

[*Mr. Holman resumed the Chair.*]

Mr. HEITMANN: There were times when it was found necessary to give preference to unionists in order to restore peace and protect men who had taken a leading part in industrial action. It was also necessary for the judge to curtail the opportunities of the employers to victimise those men. Scores of men had been victimised. He knew of an individual who had been driven from one part of the State to another because he had the pluck to give evidence before a royal commission. He was told by the inspector of mines previously that if he said anything against the mine-owners he would have to seek work elsewhere than in Western Australia; consequently the man had had to leave the mining industry altogether. The leader of the Opposition had spoken about an individual named Wells having been hounded out of the country by us.

Hon. Frank Wilson: So you did.

Mr. HEITMANN: The hon. member with the usual exaggeration also stated that we had hounded out the man's father, mother and sister.

Hon. Frank Wilson: I gave you the statement of the man himself.

Mr. HEITMANN: The Chamber of Mines got that man to take certain action, and it also tried to trap him. He (Mr. Heitmann) had been asked to settle a dispute and for his trouble had been landed in the Supreme Court, and the *Mining and Engineering Journal* in a paragraph referring to the verdict stated, "What a pity that we did not catch the interfering Heitmann." Had the decision of the court been against him, he would have been rendered bankrupt and forced to resign his seat in the House. Regarding the blacklegs, when the strike was on, struggling men were fighting against a wage which was not a living wage.

Hon. Frank Wilson: Against the arbitration court award.

Mr. HEITMANN: The award did not provide a living wage, and these heroes, as they had been described, quietly stepped in and took the work. We might as well say they took the bread and butter from the wives and children of the employees. This was the class of men which had the admiration of the leader of the Opposition.

Hon. Frank Wilson: Would you deny them the right to work under the award of the court? That is what they were doing.

Mr. HEITMANN: That was not the question. There were several things they could not bring before the court. The court could fix a minimum wage and that was all. The leader of the Opposition, however, really had no admiration for those men.

Hon. Frank Wilson: You reckon that if a man is dissatisfied with the award he can strike?

Mr. HEITMANN: The court said they had not power to grade the men.

Hon. Frank Wilson: There was an award.

Mr. HEITMANN: It was possible at times for an award to be flouted. The leader of the Opposition really detested these men, whom he would have the Committee believe he admired.

Hon. Frank Wilson: I believe in justtice.

Mr. HEITMANN: The hon. member would treat them as a timber combine

would treat men who tried to undersell, squash them out of existence. If any business man sold certain lines at less than a certain price, although he might be able to do so profitably, his supplies would cease at once. Under the clause we were telling the court that preference should be given to unionists, and he saw no harm in it.

Hon. Frank Wilson: You say you will not abide by the award if it does not suit you.

Mr. HEITMANN: Many employers had not abided by awards.

Hon. Frank Wilson: There are very few instances.

Mr. HEITMANN: The Federal Act contained a similar provision, and the leader of the Opposition could not point to one case in which it had acted detrimentally to the people generally.

Hon. Frank Wilson: We have not found out anything about the black list after all.

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

Ayes	8
Noes	20
Majority against ..	12

AYES.

Mr. Broun	Mr. Mitchell
Mr. Harper	Mr. A. N. Piesse
Mr. Lefroy	Mr. F. Wilson
Mr. Male	Mr. Layman
	(*Teller*).

NOES.

Mr. Bath	Mr. McDowall
Mr. Collier	Mr. Munsie
Mr. Dooley	Mr. O'Loghlen
Mr. Foley	Mr. B. J. Stubbs
Mr. Gardiner	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Green	Mr. Underwood
Mr. Johnston	Mr. Walker
Mr. Lander	Mr. A. A. Wilson
Mr. McDonald	Mr. Heitmann
	(*Teller*).

Amendment thus negatived.

Hon. FRANK WILSON moved a further amendment—

That paragraph (e) of Subclause 1 be struck out.

This paragraph gave the court the power to limit the hours of piece workers, this, of course, meaning that piece workers would have a special limitation on their hours of work, with the object of preventing them from working as many hours as those on day work, and thus preventing them from getting the full benefit of their own labours. A man should be given opportunity to earn as much money as he could.

Mr. B. J. Stubbs: By working longer hours?

Hon. FRANK WILSON: The same hours as the others. If an award specified eight hours for the industry, why have a special award for piece workers? There should be no distinction between the hours worked by those on piece work and those on day labour.

Mr. B. J. STUBBS: The hon. member did not understand the paragraph, or was taking a very extreme view of it. In the tailoring trade there was a great deal of piece work carried on; there was no objection to that, but there was objection to piece workers working as many hours as they liked. At present the court did not have the power to fix the hours of piece workers. In three cases the judge had stated there was no power under the present Act to deal with the hours of piece workers. There was no desire to say that the piece workers should not work as many hours as those on day labour, but they should not work longer hours.

Hon. Frank Wilson: The court will interpret this and the hon. member will not; that is the trouble.

Mr. B. J. STUBBS: When the court decided it had no power to do a certain thing, the only way to overcome that position was to state in clear language that the court should have the power to do it.

Hon. J. MITCHELL: There seemed to be no object in putting this paragraph in the Bill. Men should be allowed to work whatever hours they pleased so long as they were fairly paid for it. Men on piece work made far more money than those on day work at clearing.

Hon. Frank Wilson: The hewers will be affected by this.

Hon. J. MITCHELL: And the shearers.

The Minister for Lands: Shearers' hours are already limited.

Mr. Broun: But they can shear as many sheep as they like.

Hon. J. MITCHELL: There might be sweating in the tailoring trade, but it was hardly necessary to have this paragraph in order to stop that sweating, when it could be dealt with by other means which would not so seriously interfere with honest efforts. As long as a man could earn ordinary wages at piece work we should let him have what he could earn.

Hon. FRANK WILSON: It was not so much absolute freedom that he was asking for, as it was that the award should cover all classes of employees, whether they be engaged on piece work or otherwise. Limiting the hours of piece workers, as the clause did, gave specific power to differentiate between the piece and the day worker.

Mr. A. A. WILSON: The clause would receive his support because he could speak from experience, having some years ago been a half-timer, whose hours were 16 a day. There was no desire to see such a condition of things come into existence in this State. What he wanted was to see the time of the piece worker stipulated. If the eight hour system was in force a man's work should not exceed that number of hours.

Mr. A. N. PIESSE: Would the Attorney General explain whether a clearer was a pieceworker? If a man took clearing work by the acre would he be a piece worker? The clause would have the effect of limiting the hours of the employment of this man. The work of grubbing could scarcely be confined to eight hours because fires had to be kept going by day and night, and in that case it would be difficult for a clearer to comply with the conditions specified in the clause.

The Attorney General: The court would regulate it according to the work done; can we not trust the court?

Mr. A. N. PIESSE: There should be something clearer in the definition regarding that class of work.

Mr O'LOGHLEN: An instance such as that referred to by the hon. member was never likely to be dealt with by the court. It would be impossible to fix an award to compel clearers to work eight hours at one stretch. Many clearers would rather go out in the cool of the morning and the cool of the evening. These things, however, were matters of detail which could be left to the court. The object of making the provision in the clause was that it might apply to the tailoring and one or two other trades. He would welcome a limitation of the hours worked by the timber hewers. Whether in respect to timber worker, or tailor, or scrub clearer in our rural areas, the court would do good by limiting the hours to be worked. The court might never exercise the power, but if it were exercised it would be to the benefit of the workers.

Hon. FRANK WILSON: Let the provision be made to read that the court might limit the working hours of piece workers and he would agree with the hon. member. But the court had full power to deal with "industrial matters" which, according to the interpretation clause, meant hours of labour and the terms and conditions of employment. The court had power to say that no man employed in an industry should work longer than a given number of hours. Why, then, should it be specially provided that the court might limit the hours of piece workers? All unionists were opposed to piece-work.

The Minister for Lands: No.

Hon. FRANK WILSON: The Minister for Lands had often been heard arguing against it.

The Minister for Lands: I deny that.

The CHAIRMAN: The hon. member must withdraw.

Hon. FRANK WILSON: In view of the denial the statement would be withdrawn. At all events the majority of unionists opposed piece-work.

Mr. A. A. Wilson: All coal miners work on piece-work.

Hon. FRANK WILSON: Because that was the recognised method of coal mining. Still, the majority of unionists opposed piece-work, and in consequence the advocate for the workers would ask the court to prescribe a

lesser number of hours for piece-workers than was prescribed for day workers, in order that the piece worker might not get the advantage of his extra skill and energy to turn out more work and so secure increased pay. The object would be to level everybody down to the one dead level. Nobody would be allowed to make the pace; all would be required to go dead slow. The Attorney General should be reasonable and refrain from interfering with the liberty of the piece-working subject.

Mr. HARPER: Exemption should be provided for the rural industries. This piece-working clause should not apply to clearers and harvesters. We were likely soon to have a rural workers' union, and an attempt would be made to induce the court to limit the hours to be worked by agricultural hands. In the agricultural industry long hours had to be worked when the weather was favourable. The same applied to harvest time, when it would be a great injustice to farmers to be allowed to work only eight hours a day in dry weather.

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

Ayes	8
Noes	19
Majority against ..	11

AYES.

Mr. Broun	Mr. A. N. Piesse
Mr. Harper	Mr. F. Wilson
Mr. Lefroy	Mr. Layman
Mr. Male	(*Teller*).
Mr. Mitchell	

NOES.

Mr. Bath	Mr. Munsie
Mr. Collier	Mr. O'Loghlen
Mr. Dooley	Mr. B. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Gardiner	Mr. Taylor
Mr. Gill	Mr. Underwood
Mr. Johnston	Mr. Walker
Mr. Lander	Mr. A. A. Wilson
Mr. McDonald	Mr. Heitmann
Mr. McDowall	(*Teller*).

Amendment thus negatived.

Hon. FRANK WILSON moved a further amendment—

That Subclause 2 be struck out.

This subclause was reducing arbitration to a farce. It brought to one's imagination the case of an employer who might in his patriotism have given preference of employment to married people, and particularly to married people who had the greatest number of children. The average domestic obligation of his workers would be double that of other workers and in consequence he would have to pay a higher minimum rate of wage. Surely that was an anomaly.

Mr. A. A. WILSON: This clause seemed to have been inserted to meet circumstances such as arose in an arbitration case some years ago. The leader of the Opposition, who appeared for the employers, brought evidence to show that the cost of living was 25s. per week for single men. He (Mr. A. A. Wilson) on behalf of the union endeavoured to show that the cost of living for married men was £3 or £4 per week, and Mr. Justice Parker said that he could not take married men into consideration when fixing a day's wage. This subclause would preclude any judge from only taking the single man into consideration in fixing a rate of wages. The sub-clause was necessary because it directed a judge to take into consideration a man's wife and family.

Amendment put and negatived.

Hon. FRANK WILSON: Would the Minister leave the next amendment until the next sitting of the Committee?

The Attorney General: I am going to get this clause through.

Hon. FRANK WILSON moved—

That the following subclause be added:—

"*The court may require and oblige any party to give security to the satisfaction of the court for the due performance and observance of any of the provisions of the award.*"

The Attorney General had asked members to trust the court, and he hoped the Minister would give practical proof of his faith in the court by supporting the amendment. On many occasions awards had been flouted, and it was time that the court had power, when any union of employers or employees had disregarded

an award, to require security for the due performance of any subsequent award.

Mr. Munsie: Do you not think the penalties are stiff enough?

Hon. FRANK WILSON: The penalties did not prevent the flouting of an award. Security would not be required in the first instance, but if any union flouted an award of the court and the court were unable to punish them, security might be required on a future occasion.

The ATTORNEY GENERAL: The paragraph was entirely unnecessary. In order to carry out an award the court had not only the power to issue an injunction or mandamus but to heavily fine and inflict other punishments. Therefore, it was unnecessary to compel parties who were approaching the court to have disputes settled to give sureties before the court gave an award.

Hon. Frank Wilson: The object is to have the award enforced.

The ATTORNEY GENERAL: The police, bailiffs, sheriffs, and officers of the gaol were at the disposal of the court and nothing more was required.

Amendment put and negatived.

Clause put and passed.

Clauses 86 to 89—agreed to.

Clause 90—Court to fix what constitutes breach of award and penalty therefor:

Hon. FRANK WILSON: This clause conflicted with clause 105. In the first case the court had power to determine what constituted a breach, and to fix the penalty at £500, and in Clause 105 the penalty for wilfully committing a breach of an award was fixed at £50. One of the two should be deleted.

The ATTORNEY GENERAL: Both provisions were perfectly consistent, but there might be some debate on the question.

Progress reported.

House adjourned at 12·40 a.m.
(*Wednesday.*)

PAIR.

Mr. Turvey — Mr. Allen

Legislative Council,

Wednesday, 28th August, 1912.

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

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Return of exemptions granted under the Mining Act from 1st July, 1911, to 30th June, 1912. 2, Plan of lands resumed for pastoral leases in accordance with the requirements of Section 109 of the Land Act, 1898.

WONGAN HILLS-MULLEWA RAILWAY SELECT COMMITTEE.

Report presented.

Hon. R. J. LYNN brought up the report of the select committee appointed to inquire into the deviation of the Wongan Hills-Mullewa railway.

Ordered, that the report and accompanying documents be printed.

QUESTION — INFECTIOUS DISEASES HOSPITAL, KALGOORLIE.

Hon. J. CORNELL asked the Colonial Secretary: 1, Is it the intention of the Government to move the Infectious Diseases Hospital in the Kalgoorlie and Boulder district from its present position to the Kalgoorlie hospital grounds? 2, If so, on whose recommendation has the proposal for removal been adopted. 3, Have the residents of the district in question in any way indicated that the proposed removal is desirable, or have they