Mr. MALE moved a further amendment on the amendment—

That the words "with mattress" be struck out.

Amendment passed.

Progress reported.

[*The Deputy Speaker took the Chair.*]

BILL—SUPPLY, £593,846.

Returned from the Legislative Council without amendment.

House adjourned at 9·24 p.m.

Legislative Assembly,

Thursday, 29th August, 1912.

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

QUESTION—RESUMED PROPERTY, RENTS CHARGED.

Mr. FOLEY asked the Minister for Works: 1, Is he aware that the agents for Sir E. A. Stone have given tenants of property recently resumed by the Government notice to increase rents therefor? 2. Have the late owners power to so increase rents?

The MINISTER FOR WORKS replied: 1, No. 2, The department has not granted late owners any power to increase rents since the date of resumption. Under the Public Works Act owners of property are entitled to receive the benefits of the property from the date of resumption to the date of payment of compensation, and when notices of resumption were sent to them they were all advised that they could continue collecting the existing rents until further advised by the department. The department has power at any time to collect the rents itself, and rebate to the owners—less cost of collection.

QUESTION—LUDLOW CLEARING, PREFERENCE OF EMPLOYMENT.

Hon. FRANK WILSON asked the Minister for Lands: 1, Is he aware that the foreman in charge of clearing at the pine plantation, Ludlow, has opened a store, which is in charge of his wife, and that it is freely stated that men dealing at his store receive preference of employment? 2, Will he cause inquiries to be made, and the evil remedied, if in existence?

The MINISTER FOR LANDS replied: 1, (a) The question submitted is the first intimation I have had of the matter. (b) Inquiries indicate that there has been no influence as suggested. 2, The matter will be thoroughly investigated.

QUESTION — CYCLOPAEDIA OF WESTERN AUSTRALIA.

Mr. BROUN (for Mr. Monger) asked the Premier: 1, Did he give a letter of reference to the South Australian firm now exploiting Western Australia with a publication called the *Cyclopaedia of Western Australia*? 2, Is he aware that this proposed publication is merely a glorified advertising scheme wherein only the people who pay have their biographies inserted? 3, Has he also undertaken to subsidise the book, and, if so, to what extent? 4, Where is the book to be produced?

The PREMIER replied: 1, The Hon. H. Gregory, when acting Premier, gave to the company a letter of approval, which letter the present Administration duly confirmed and endorsed, after sighting in

Cabinet the prospectus of the present publication and copies of those previously issued. 2, No. I understand that in the course of editing the sections of the work, apart from biographical matter, the editor has introduced a large number of biographies irrespective of any question of payment. Where he has considered a biography of sufficient importance—as in the case of members of Parliament, prominent officials, and others—he has directed its insertion, in order to make the work as complete and representative as possible. 3, No; with the exception of approving of the purchase of a small number of copies for official use, which were ordered by the previous Government. 4, The work is being printed in South Australia by Messrs. Hussey & Gillingham, Ltd., and is being published in Western Australia. Negotiations were entered into with certain Western Australian firms, but it was not found possible to conclude satisfactory arrangements with them. The editor, who is not in any way responsible for the financial side of the work, informs me that he has himself written the history of the State from its inception to date—a task covering some 225 pages of the first volume of the work —which is now on the eve of publication.

QUESTION—RAILWAY PROJECT, WONGAN HILLS-MT. MARSHALL.

Hon. H. B. LEFROY asked the Minister for Works: 1, Why have the surveyors been recalled from surveying the Wongan Hills-Mt. Marshall railway? 2, Has it been decided to alter the starting point from Wongan Hills?

The MINISTER FOR WORKS replied: 1, The Government has decided that the line to open up the Cowcowing and Mt. Marshall agricultural areas should commence from Beujaberring or Wyalcatchem in place of Wongan Hills. 2, Answered by No. 1.

PAPER PRESENTED.

By the Minister for Mines: Return of exemptions granted on mining leases from 1st July, 1911, to 30th June, 1912.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the previous day; Mr. Holman in the Chair, the Attorney General in charge of the Bill.

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

Hon. FRANK WILSON: The clause appeared to conflict somewhat with Clause 105. Under the clause the court had power to fix in the award what should constitute a breach, and to name also the penalty, the maximum provided being £500. Clause 105, however, definitely provided a penalty of £50.

The ATTORNEY GENERAL: It was intended to move amendments with the purpose of reducing the maximum penalty to £100 and, subsequently, of bringing Clause 105 into line. In no other part of the Bill was a penalty fixed at an amount higher than £100, whereas in the clause under consideration it was provided that the sum should not exceed £500. With a view to securing consistency he proposed to reduce that £500 to £100.

Hon. FRANK WILSON: While agreeing with the Attorney General that the two clauses should be brought into conformity, he thought the Minister was not going the right way about it by striking out the £500 and substituting £100. It might be better to raise the amount in Clause 105 to agree with the £500 in Clause 90, for it was wise to give the court ample power to enforce its awards. The Attorney General would be well advised to allow the clause to stand and amend the subsequent clause accordingly. The court should have ample power to enforce its awards and a penalty of £500 was not too much to impose on any party committing a wilful breach.

The ATTORNEY GENERAL moved an amendment—

That in line 4 the word "five" be struck out and "one" inserted in lieu.

Although a rich company or employer could easily pay £100 there were not many workers who could pay £100. It would be an absurdity to fine them £500 for a breach and be able to collect only £10.

Hon. J. Mitchell: There are other penalties in the Bill.

The ATTORNEY GENERAL: Various penalties from £5 to £100 were fixed, according to the gravamen of the offence, and to fix a penalty of £500 when the penalties throughout the measure were restricted to £100 would be folly. As there appeared to be a consensus of opinion that a fine of £100 would act as a strong deterrent, the amount might be left at that, more especially as additional penalties were provided.

Hon. Frank Wilson: What are the additional penalties?

The ATTORNEY GENERAL: Provision had been made in the case of unionists, particularly that for a wilful provocation to strike; they should be deprived of their rights in the society and under the Act.

Hon. J. MITCHELL: In Clause 122 if any person summoned by the president did not attend a conference he was fined £100, and surely in those circumstances the Committee should make the maximum penalty for a breach of an award £500.

Hon. FRANK WILSON: The hon. member for Northam was wrong in his interpretation of Clause 122. because Clause 5 made it clear that the penalty fixed in any particular clause was the maximum. The Attorney General should remember that it was only for wilful breaches of an award that this penalty was proposed, and on the first occasion of a breach, if the defendants could show that they had not intended a wilful breach they would doubtless be let off with a nominal fine, but when they persisted in the breach the penalty should be such as would make them obey the awards of the court. A fine of £100 was altogether too little for a large employer of labour to be liable for, and it might pay him to meet that fine every time and continue his breaches of the award.

The Attorney General: But there are many unions that have not property to the extent of even £100.

Hon. FRANK WILSON: Each member of a union was liable to a penalty of £10, and if there were fifty members in a union they represented a capital of £500.

The Premier: That is what was at the back of your skull all the time; you wanted to break up the unions.

Hon. FRANK WILSON: The Premier was breaking himself up as fast as he could. Who had put the penalty of £500 in the Bill? Was it the Premier's intention to break up the unions when he included a penalty of £500?

The Premier: You want to retain it.

Hon. FRANK WILSON: Let it go forth to the public that the Premier wanted to break up the unions which he accused members of the Opposition of having ulterior designs upon. Presumably the unions cracked the whip over the Premier, and perhaps the members on the Ministerial cross benches, prompted by the officials of the Trades and Labour Hall, had already seen the hon. gentleman, and now he wanted to put the blame on somebody else. A penalty of £500 was inserted in the Bill by the Government, but for what object was not apparent.

The Attorney General: It is taken from the Federal Act and from our own Act.

Hon. FRANK WILSON: Then why depart from it? Was there any intention at the back of the skulls of the Federal people except to see that the awards of the court were enforced? A fine of £100 was not going to deter a wealthy corporation if it suited it to disobey an award of the court. If it were a cumulative penalty it would be all right, but where it was the only penalty a maximum of £500 should be fixed. The unions were in just the same position as a powerful corporation. They had their membership, every member represented a certain amount of financial stability, and if a union disobeyed an award it must come under the same penalty as a corporation.

The PREMIER: The leader of the Opposition knew that, notwithstanding that there was a penalty of £500 in the present Act, and that there had been hundreds of breaches of awards brought before the court, in no instance had there been a penalty of £100 imposed. In those circumstances the higher penalty could

have no possible bearing against a large corporation. A fine of £500 would not break up the Great Boulder Company, the Ivanhoe Company, or Millar's Karri and Jarrah Company, but it would probably break up most of the unions, and that was the desire of the leader of the Opposition. That gentleman's desire was not to inflict punishment, because a fine of £100 would do that, but to endeavour to break up the unions by a high penalty. The penalty must be made to conform to the offence. Parliament was frequently ridiculous in the penalties it fixed for certain offences. In one case a man could be fined £100 for negligently causing the death of a person, and in another case exactly the same amount for allowing a rabbit through a fence. In this instance, the Government, after considering the matter, were of opinion that a penalty of £100 would meet any case of wilful breach of an award. There had only been one case in which a penalty approaching £500 had been imposed, and that was in connection with the Potosi lock-out, but most of the cases had been met with a £5 penalty and perhaps a guinea for costs. Therefore, what was the object of having a high penalty if it was not to be put into operation, except, of course, that there was a possibility of a union committing a breach of an award when it could be smashed up with a fine of £500.

Hon. FRANK WILSON: The Premier's attitude was unfair and childish and he resented it. He had been accused by the Premier of wishing to smash up unions. That was the only argument the Premier had advanced. What on earth was the country and Parliament coming to? Surely the Premier ought to know——

The Premier: I do not want a lecture from you.

Hon. FRANK WILSON: The Premier must be content to be lectured.

The Premier: Then I do not propose to listen to you.

Hon. FRANK WILSON: Was not the Premier proving a partisan for the unions in suggesting a penalty which would not affect the unions? Was he not as fair in charging the Premier with introducing legislation without a desire to make it effective against the unions as the Premier was in charging him with wishing to smash up unions? He had not suggested that the employer should be treated differently from the workers. The question should be thrashed out on the broad lines of what would be effective. The Premier had shown the cloven hoof. Instead of representing the people as a whole, he was representing the Trades Hall, and McCallum was his chief.

The Premier: And Packer is yours.

Hon. FRANK WILSON: Why was the Premier climbing down? Because pressure had been brought by the Trades Hall to see that the penalties were made light, so that if a breach were committed the fine would not smash the unions.

Mr. Green: A fine of £100 will smash a union.

Hon. FRANK WILSON: Not at all, but if they wilfully disobeyed an award, perhaps they deserved to be smashed. Would the Premier proceed against strikers and agitators? No, he would take care that the law would be to a certain extent ineffectual, and if penalties were enforced against any body of workers they would not be severely hurt.

The ATTORNEY GENERAL: The leader of the Opposition had drawn attention to the anomaly.

Hon. Frank Wilson: Certainly I did.

The ATTORNEY GENERAL: And now that he was endeavouring to correct an anomaly he was abused for it.

Hon. Frank Wilson: You are correcting it the wrong way.

The ATTORNEY GENERAL: How could that be the case if it were made to harmonise right through. Let us make it consistent.

Hon. Frank Wilson: Yes, and let us discuss your consistency.

The ATTORNEY GENERAL: This clause was taken from the old Act, and escaped correction. A penalty of £100 was an ample deterrent to every union. We had to safeguard their conduct and ensure respect for the law. If the sum were sufficient to accomplish that, the purpose of the Act would be effected. For

the rich employer a fine of £500 would not be ample, but should be increased threefold. It would scarcely be equivalent to 5d. in the case of the individual miner.

Hon. Frank Wilson: You should contrast it, not with the individual, but with the union.

The ATTORNEY GENERAL: There were unions which could not possibly raise £100 on an emergency.

Mr. Green: And some companies are capitalised up to millions.

Hon. Frank Wilson: But they could not raise the millions.

The ATTORNEY GENERAL: With regard to the union, a penalty of £100 would ensure respect for the law. In the case of the employers £500 would not, but both had to be treated alike.

Hon. J. Mitchell: There are 3,000 men in the timber workers' union.

The ATTORNEY GENERAL: Yes.

Hon. Frank Wilson: And they have as much money as any employer.

The ATTORNEY GENERAL: There were perhaps three unions which were large numerically, but in the bulk of them the membership was small. The workers were given power to combine if they numbered 15.

Hon. J. Mitchell: It would be a small fine in their case.

The ATTORNEY GENERAL: Just as we could not provide an adequate penalty to be affixed to the richest company, so perhaps we could not with regard to one or two of the comparatively affluent unions. We had to strike the average, and fix a penalty which would command respect from those who might break the law. As £100 represented the highest penalty fixed under the heading of "offences," to be consistent we should alter this fine to £100.

Hon. J. MITCHELL: Surely in the case of a railway strike £500 would not be too high a penalty. Of course, in the case of a union numbering only 15 members, it would be ridiculous.

Hon. Frank Wilson: The individual responsibility is limited to £10.

Hon. J. MITCHELL: Yes, and one could hardly imagine a strike of any importance in an industry operated by 15 unionists. The punishment, as the Premier had said, should fit the crime. Neither would £500 be too high a penalty for the timber workers' union. When the Premier got his five mills going in the karri country, the men who would be employed would be lightly penalised by a fine of £500 imposed against them collectively. The amount of £500 was not a penny too much, and he hoped it would be retained.

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

Ayes	24
Noes	9
Majority for ..	15

AYES.

Mr. Angwin	Mr. Lewis
Mr. Bath	Mr. McDonald
Mr. Bolton	Mr. McDowall
Mr. Carpenter	Mr. Mullany
Mr. Collier	Mr. Munsie
Mr. Dooley	Mr. O'Loghlen
Mr. Foley	Mr. Scaddan
Mr. Gardiner	Mr. Taylor
Mr. Gill	Mr. Thomas
Mr. Green	Mr. Walker
Mr. Johnson	Mr. Heitmann
Mr. Johnston	*(Teller).*
Mr. Lander	

NOES.

Mr. Allen	Mr. Nanson
Mr. Broun	Mr. F. Wilson
Mr. Harper	Mr. Wisdom
Mr. Lefroy	Mr. Male
Mr. Mitchell	*(Teller).*

Amendment thus passed; the clause, as amended, agreed to.

Clause 91—Provisions for enforcing awards:

Hon. FRANK WILSON: Could the registrar or industrial inspector take action of his own accord for any breach of the award or default. The registrar or industrial inspector was not required to be moved by anybody?

The ATTORNEY GENERAL: If the breach was going on the registrar or industrial inspector or any employer or industrial union could move.

Clause put and passed.

Clauses 92, 93, 94—agreed to.

Clause 95—Removal of prosecution for offence from court of summary jurisdiction to Court of Arbitration:

Mr. GREEN moved an amendment—

That the following be added as a subclause:—(2.) The powers conferred by this section may be exercised by the president at any time when the court is not sitting.

Power was given under Clause 95 to have proceedings removed from a court of summary jurisdiction to the Court of Arbitration, but there was no provision made for taking action when the court was not sitting. The president was in a better position to carefully weigh the merits of the case than anybody else.

The ATTORNEY GENERAL: The amendment would be accepted. It was only right if by any reason the court should be in vacation and the president was obtainable, the president should have the case which was proceeding in another court brought into the Arbitration Court.

Mr. CARPENTER: Was it to be understood the president would have the power not only to bring the case out of a court of summary jurisdiction, but would have the power to deal with that case himself?

The ATTORNEY GENERAL: No. It simply enabled him to bring it up by a writ of *certiorari*. Power was given to him to stop the trial proceeding.

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

Clause 96—agreed to.

Clause 97—Industrial inspectors:

Hon. FRANK WILSON: Was it proposed under the clause that all inspectors of mines should automatically be inspectors under this Bill?

The Attorney General: Yes.

Hon. FRANK WILSON: Would that be a wise provision to make? Might it not be thought to be infra dig, should they become inspectors, to spy out if an award of the Arbitration Court was being carried out? It would give this opening, that when an inspector went round on his ordinary duty, he might be pestered with petty complaints from individuals, who felt aggrieved and urged to bring the matter before the Arbitration Court, whereas any complaints ought to be brought through the proper responsible body representing the men, and it might be putting a duty on these inspectors which would not be congenial and might prove unsatisfactory. His (Mr. Wilson's) opinion was that the individual members of unions having cause of complaint should move through their unions to have the case brought before the court.

The ATTORNEY GENERAL: It did not appear to him to be infra dig for inspectors to do this work, neither could he see that it placed them in the position of being spies, because in their ordinary avocation they had to see to the safe working of a mine. They might have faults to find with the employer or employee. It was some additional work, it was true, but the object was to enable the court to insist on respect for its awards.

Hon. Frank Wilson: I am with you there.

The ATTORNEY GENERAL: There was no officer so likely to see that the awards were being carried out as the mines inspector in the case of mines, or the factory inspector in the case of factories. It might be that men were making a breach of the award. In the interests of the employer and in the interests of industrial peace, somebody should do this work. It was only in pursuance of that policy of making it as easy as possible for the court to exercise a pacific supervision over industries that this provision was made. Therefore he thought it wise to give the work to the inspectors, although it might be additional to them.

Hon. J. MITCHELL: Would an inspector under the Act be an officer of the court?

The ATTORNEY GENERAL: No. This was giving the right to independent citizens as it were.

Hon. J. MITCHELL: But would the inspector be an officer of the court in the same way as the registrar was?

The ATTORNEY GENERAL: He would be an industrial inspector under the Act. He would be recognised by the court in that sense. He would be open to approach.

Hon. J. MITCHELL: If the inspectors were officers of the court and those in touch with the registrar, they would be

more likely to know what was required, so that awards could be given effect to, than would inspectors attached to some other departments. Would these inspectors be attached to the court?

The Attorney General: No, they would not.

Clause put and passed.

Clause 98—References to court to be approved by resolution of union:

Hon. FRANK WILSON moved an amendment—

That in line 1 of paragraph 1 the words "a majority of the votes recorded at" be struck out, and "the votes of an absolute majority of members on" be inserted in lieu.

The existing Act provided that a majority of the members of a union should at a meeting called for the purpose vote in favour of referring the dispute to the arbitration court, and that this resolution should be confirmed at a subsequent ballot by a simple majority of those voting. The conditions had been found unworkable, and had led to most of the trouble which had occurred in referring disputes to the arbitration court. The obvious way to get over the difficulty was to reverse the rules laid down in the existing Act, and instead of requiring an absolute majority of members to vote at a meeting, and then to have that resolution confirmed on a ballot by a simple majority of those voting, the resolution should be passed by a majority of the members present at the meeting and should be subsequently confirmed by an absolute majority of the members of the union.

Amendment passed; the clause as amended agreed to.

Clause 99—Special meeting for such purpose:

Hon. FRANK WILSON moved an amendment—

That in line 3 of Subclause 1 the word "three" be struck out and "seven" inserted in lieu.

Three days was too short a notice to give to members to attend so important a meeting. The clause provided an alternative in the shape or form of a newspaper advertisement, but surely this would scarcely be deemed sufficient. The proper thing to do was to give the members of the union a reasonable notice, certainly nothing less than seven days, and there should not be any alternative such as that provided in the clause. It was his intention to subsequently move to strike out that alternative of a newspaper advertisement.

The ATTORNEY GENERAL: The amendment could not be accepted, because in the case of a serious dispute, rapidly growing, it would be essential to have the matter settled just as soon as possible. The clause provided for three days' notice at least, and, inferentially, as much more as the emergency would permit. Necessarily, if the matter would permit of deliberation, the union would give lengthy notice of the meeting, but, in other, urgent cases, to wait seven days might mean a serious disability.

Hon. Frank Wilson: You would not contend that an advertisement in a newspaper would fix it?

The ATTORNEY GENERAL: In some cases such a notice would be sufficient. It was to be hoped the hon. member would not press the amendment, because it was greatly desired to provide for getting to the court quickly when occasion should demand.

Hon. FRANK WILSON: There was no strong desire to press this question of seven days' notice as against a notice of three days; much more importance attached to the alternative of a newspaper advertisement. He would withdraw the amendment.

Amendment by leave withdrawn.

Hon. FRANK WILSON moved a further amendment—

That in lines 4 and 5 of Subclause 1 the words "or published in a newspaper circulating in the locality affected" be struck out.

This form of notice of an important meeting could scarcely be deemed sufficient, because the membership of many of the unions extended over very wide areas, and consequently the members would never get the newspapers in time to learn of the holding of the meeting. If the Minister were not favourably disposed to the amendment he might accept an alterna-

tive amendment to strike out the word "or" and insert "and."

The ATTORNEY GENERAL: Although it might appear to be preferable that all members of the union should receive a printed notice of the meeting, sent through the post office, it was to be remembered that certain of the unions were spread over widely scattered districts, and considerable delay might occur before all of these notices were delivered to the addressees. The clause contemplated, not merely the members of a union, but the members of an association of unions. If a trouble required early settlement it would be impracticable to send through the post office a notice to every member of the association, scattered from Norseman to beyond Leonora; the matter would never be fixed up if it were necessary to wait until all these formalities had been complied with. The object was to let everybody know of the meeting quickly, and, in some instances, a newspaper publication of the notice would be more effective in reaching every member than would a post office situated, perhaps, miles away from where the men were employed.

Hon. Frank Wilson: Let us insert "and" instead of "or."

The ATTORNEY GENERAL: To adopt such a course would be to add to the formalities. Many members of a union would regularly see the local newspaper, whereas, perhaps, they would not go very regularly to the distant post office for their letters. Some of the prospectors outback, for instance those at Kurnalpi before the recent discoveries there, were miles away from a post office, and only received their mails at most irregular intervals. Whilst we could not be sure of those men getting their mails, we could be sure of them taking the local newspaper. The clause gave the union power to adopt whichever method of publicity best suited the cases and situation of its members.

Mr. FOLEY: It would have been preferable to have substituted seven days' notice for three. The amendment proposed by the member for Sussex would inflict a hardship if agreed to. A union was always anxious that every one of its members should express an opinion on the question of going before the Arbitration Court. In many scattered centres men did not receive the letters sent to them, and in those instances the men could offer that as an excuse for not attending the meeting. In the outback places there were men who very seldom went to the post office, but where a newspaper circulated in the district, if only one member of the union received it the notice which it contained was conveyed to all the other members in the locality. The notification through the Press was, therefore, more complete than even seven days' notice by letter.

Hon. J. MITCHELL: The amendment simply stated that notices should be posted, and that the newspapers should be used. The Attorney General should see that every possible care was taken to notify every member of a union before a meeting was held. If both methods of giving notice were adopted greater publicity would result.

The Attorney General: In a union having two or three thousand members it would be necessary to have a staff of clerks to get the notices out.

Mr. Green: And every letter would have to be registered.

Hon. Frank Wilson: No.

Mr. Green: Otherwise how could you prove that the notice had been sent?

Hon. Frank Wilson: There is no necessity to prove it.

Mr. Green: Then why post it at all?

Mr. MUNSIE: In the Kalgoorlie and Boulder Branch of the miners' union there were 3,000 members, and the two men on the secretarial staff could not, even in three weeks, make sure of getting a notice posted to the correct address of each member. If a notice were posted to a member, and he did not receive it, it was possible for him to come along and obtain an injunction to prevent the union proceeding further until he had been duly notified. Such action had been taken in some cases. Publication in a newspaper was a better form of notice than by post. The leader of the Opposition had already carried an amendment requiring that a

resolution to go before the arbitration court should be confirmed by a subsequent ballot of the majority of members, and why should he be anxious to put the union or society to the further expense of posting a notice to every member?

Amendment put and negatived.

Clause put and passed.

Clause 100—agreed to.

Clause 101—Provision as to Government workers:

Hon. FRANK WILSON: This clause raised the whole question as to whether Government workers, especially those employed on the railways, should be brought under the Act. He had already expressed the opinion on the second reading that it would be as well to leave the Government workers out altogether. At the present time a Government organisation could go to the Arbitration Court by mutual arrangement between them and the Government. When the member for Murray-Wellington was commissioner a case was referred to the Arbitration Court by permission of the Minister, who agreed to abide by the recommendation of the court. That practice should be continued. After all, civil servants were the employees of Parliament, and they were amply provided for by legislation. If that was not sufficient protection, they had their boards of inquiry and a right of appeal to a specially constituted court, and in addition they had always Parliament to go to because there were always plenty of members willing to bring the grievances of a large body of public servants before the House.

The Minister for Mines: It is unwise for members of Parliament to be allowed to influence the wages paid to Government servants.

Hon. FRANK WILSON: One could not help contrasting those words with the actions of Ministerial members when they sat in opposition. Nothing was too trivial in the shape of a complaint from a civil servant to lay before Parliament, and often in the form of an indictment against the Government.

The Minister for Mines: They had not a court which they could approach then.

Hon. FRANK WILSON: Already he had pointed out that he had sat on a case. Railway employees had certain boards of appeal and they could also appeal to the Commissioner and to a special court under their regulations, if not upon the question of wages, on other matters.

The Minister for Mines: Not in regard to wages or salaries.

Hon. FRANK WILSON: On the question of wages Cabinet was the body to appeal to, and as in the case he had mentioned, Cabinet could submit the matter to a body like the Arbitration Court for a recommendation. The point was whether Parliament should be bound when it had the duty of raising the money with which to pay the wages. Should Parliament, which created the court, give up its responsibility and allow the creature of its creation to control the expenditure of the revenue of the State? There was nothing of which Parliament was more jealous than that it controlled the public purse. Every penny expended from the public funds had to be raised from the people. What would be the position if we had a bad harvest and the court awarded an increase involving an additional £100,000?

Mr. Turvey: Is it not time some of them appealed, for instance the school teachers?

Hon. FRANK WILSON: His argument did not relate to any individual branch. All branches appeared to have got or to be about to get increases, and as fast as the increases were granted the cost of living went up and they wanted more.

The CHAIRMAN: The question of the cost of living was outside the scope of the clause.

Hon. FRANK WILSON: That was being used as an illustration. The member for Swan had drawn him off the track.

The CHAIRMAN: The hon. member knew sufficient not to be drawn off the track.

Hon. FRANK WILSON: The question was whether Parliament was to control the expenditure of public funds as it always had done, or whether we would hand

over to the Arbitration Court the matter of settling the rates of wages and conditions of work in the Government service. When the requisite tribunals existed, it was not necessary to bring Government employees under this law. Further than that, it was questionable whether it would benefit a branch like the railway service or improve the discipline and command which the Commissioner and his officers exercised over the men by altering the system which had so far worked satisfactorily. Taking the railway system as a whole, he did not remember any concerted action in the direction of a general cessation of work for the last ten years. This showed that the facilities already provided had been sufficient to enable the Commissioner to meet the representatives of the men and arrive at a satisfactory arrangement with them.

The Attorney General: They have had the power of arbitration since the 1902 Act.

Hon. FRANK WILSON: Only by consent of the Government. The clause was not advisable in the interests of the good management of the service.

The ATTORNEY GENERAL: If anyone should show confidence in the Arbitration Court, it should be the Government. We were asking the whole of the people to trust the court and take their troubles to it, and the Government must stand in the same position of faith as the ordinary citizen. We had recognised the right of combinations within the civil service as, for instance, the Civil Service Association, Railway Association, and unions among the teachers, police and other workers in the Government employ. If the object was to do away with strikes, the measure would be of as great benefit to the Government as to any employer. There was the possibility of a strike even against the Government when feeling ran high or justice was denied. Notwithstanding that the leader of the Opposition had reminded members that Cabinet should take the responsibility of the management of the Civil Service and that Parliament was the custodian of the interests of the whole of the citizens of the State, the moment we got the relationship of employer and employee between the Government and a certain portion of the State, then we had two parties, and no party should be a judge in its own court.

Sitting suspended from 6.15 to 7.30 p.m.

The ATTORNEY GENERAL: So long as the relationship obtained between the employer, under the name of the Government, and the employees, the servants of the Government, the same laws would have to govern that relationship as governed the relationship between outside employers and their employees. So long as the Government allowed unions to be registered they must allow them an appeal to the Arbitration Court, and so set an example to the outside world. If the Government were to say that arbitration was good enough for outsiders, but not for the Government, the Government would, rightly, be taunted with hypocrisy. If outsiders could have the advantage of the Arbitration Court, why should not the employees of the Government?

Mr. TURVEY: There should be no objection to Government servants approaching the Arbitration Court. If the State school teachers of Western Australia had an opportunity of approaching the Arbitration Court, they would, as a result of the award given, be paid much higher salaries than they were in receipt of today.

The Attorney General: And they will be.

Mr. TURVEY: Certainly if those State school teachers approached the Arbitration Court the minimum pay in the service would not be down so low as it had been when the present leader of the Opposition was in power, namely, £60 for a female teacher and £80 for a male teacher. The leader of the Opposition had stated that civil servants in general had an opportunity of taking their grievances before other tribunals. If that were the case he (Mr. Turvey) would not perhaps be so keen an advocate of giving Government servants the right to approach the Arbitration Court. But he had too intimate a knowledge of the service to believe that

Government servants had an opportunity of approaching any other tribunal. Too frequently Government servants unavailingly endeavoured to approach the immediate head of their department, only to find their efforts blocked. This being so, surely they should have a right, through their union, of approaching the Arbitration Court in the same manner as any other body of workers. The teachers of Western Australia had for years been asking for an appeal board, and in this regard it was gratifying to know that the present Minister for Education had expressed a readiness to grant that request. It was not solely on behalf of the State school teachers that he was advocating this particular clause, because, in his opinion, any body of public servants would be justified in citing a case before the Arbitration Court. If it was right that an outside body of workers should approach the court, why should that right be denied to any body of public servants? What was there to be afraid of in granting this right to public servants? There was only one logical argument that could be advanced against it, namely, that the Government were so well aware of the poor wages being paid to their servants that they knew beforehand the award was bound to be given against them. He hoped the clause would be agreed to.

Mr. DOOLEY: The leader of the Opposition had declared that Cabinet or Parliament should be the Arbitration Court for public servants. This declaration suggested a danger which might arise from dealing with the grievances of public servants in any such political tribunal. As a result of a long connection with Government institutions he had found that there was a good deal in the cry of "spoils to the victors." He had noticed that when Government employees held certain political opinions which happened to coincide with the opinions held by those in power, those particular employees always seemed to get preference. He did not know that the system was being perpetuated at the present time, but to remove the danger it would be well to agree to the clause, because with this provision in the Bill, the principle of spoils to the victors would be gone.

Hon. Frank Wilson: This will not prevent political appointments.

Mr. DOOLEY: It would prevent political preferment with regard to increments, or at least it would very materially minimise it. With such a provision in operation, if it so happened that a Minister did give advancement to any public servant, the action could be easily traced. Moreover, with such a clause in operation, a Minister could refer any applicants for preferment to the privilege granted them of appealing through their union to the Arbitration Court. If we desired to see justice done to the State's employees the safest method of ensuring that course was to embody this clause in the Bill.

Mr. LEWIS: It was surprising that the leader of the Opposition should raise any objection to the clause. In 1901 the fettlers connected with the railway service, having exhausted every constitutional method to secure an increase of their minimum from 7s. to 8s., became so exasperated that they resorted to strike tactics. The strike lasted only five days, but it had a far-reaching effect, because, owing to the cutting off of supplies, the people on the goldfields had to pay an increased price of from 70 to 100 per cent. for their commodities. Eventually the Government had appointed a board to deal with the trouble, and the board conceded the demands of the union. In 1902 the existing Act came into operation, and since that time there had been no actual strike in the railway service. The member for Murray-Wellington, when Commissioner of Railways, had strenuously resisted a request made by the Amalgamated Society of Railway Employees, and, in consequence, in 1905, the men went to the Arbitration Court. The award of the court was given against them, reducing their minimum from 8s. to 7s. 6d., and increasing their hours to 96 per fortnight, Sundays included. Notwithstanding this, the men had accepted the award and loyally abided by it. It was very necessary that the Government workers should have constitutional methods of settling their grievances, rather than resort to the barbarous system of striking. The leader of the Opposition had pointed out that these men could appeal to Parliament; but it

was to be remembered that Parliament was not sitting continuously, and that sometimes the direct representatives of the employers were in power. So it would be seen that the men could not hope for much redress from Parliament.

Clause put and passed.

Clause 102—Government railways:

Mr. DOOLEY moved an amendment—

That the following words be added at the end of paragraph (b):—"Provided there is no other industrial union in the Working Railways to which the members could conveniently belong."

The object of the amendment was to minimise any tendency towards unnecessary multiplication of unions. Such multiplication in the past had operated adversely on the working of the system and also on the employees. Some time ago the then Commissioner of Railways, in his antagonism towards unionism, thought it would be a good idea to encourage the railway workers to form into sectional bodies, but when the idea was put into execution it did not work out as satisfactorily as had been anticipated. When the present Amalgamated Society of Railway Employees asked for an industrial agreement, one of the objections raised by the present Commissioner of Railways was that there were differences of opinion, owing to the multiplicity of unions, which could not be settled by an agreement with one union, and he wanted to concentrate his negotiations as much as possible. The amendment was designed to ensure the smooth working of the Government system in connection with industrial matters.

The ATTORNEY GENERAL: The proposed addition was a good one because it would prevent unnecessary duplication.

Hon. Frank Wilson: What about Clauses 18 and 19?

The ATTORNEY GENERAL: If there was a union to which the men could conveniently belong, they must belong to it if they wanted to belong to any at all. If there was a new class of work, or a new industry started in the service, which was not represented by any existing organisation, application could be made for the registration of a new union, but if there was already in existence a union to which these workers could conveniently belong the registrar would refuse registration.

Hon. FRANK WILSON: The registrar had no jurisdiction in this matter, because Clause 104 said that nothing in the Act should apply to the Crown. How could anything in other parts of the measure apply to Part V.? If a society of Government railway workers wanted to register they would be able to do so, and the registrar would have no jurisdiction at all. They could register unless there happened to be another union to which they could belong. In Clauses 18 and 19 it was provided, in connection with persons engaged in private industries, that the registrar could refuse to register any union and that union could in turn appeal to the court. In view of Clause 104, how could Clauses 18 and 19 be made to apply to the railway employees?

The ATTORNEY GENERAL: The amendment put the railway employees on the same footing as any other workers. Just as any other combination of workers to the number of fifteen could make application for registration——

Hon. Frank Wilson: Subject to appeal against the refusal of the registrar.

The ATTORNEY GENERAL: That applied equally in this case. If the registrar refused to register a body of workmen in the railway service who had applied to be registered as a distinctive union, they could then appeal to the president. If they could show that there was no other union to which they could conveniently belong within the service, the president could over-ride the registrar and permit registration. The words in Clause 104 had nothing to do with these workers; they simply meant that penalties could not be obtained from the Crown in the same way as from ordinary subjects. In other words the Crown was excluded from the penal clauses of the Bill.

Mr. Dooley: The Crown or its officers?

The ATTORNEY GENERAL: The Commissioner of Railways had the same immunity from personal liability as in all other Acts.

Mr. WISDOM: Clauses 18 and 19 respectively allowed the registrar to re-

fuse registration and the union to appeal to the court, even though there was another union to which they could belong.

The Attorney General: So would these men have the right of appeal.

Mr. WISDOM: Did not the clause mean that no right of appeal was given to the railway workers, or did Clause 18 apply to Part V.?

The ATTORNEY GENERAL: This clause first of all ratified the registration of the union already existing, but it contemplated that there might be another union desirous of forming, and it said that such union might register under this measure as an industrial union. The moment it became an applicant to be registered as an industrial union Clause 18 applied. The amendment simply incorporated in other words the same limitation as was contained in Clause 18 in regard to all applicants for registration.

Mr. Wisdom: If your argument is right where is the necessity for the amendment?

The ATTORNEY GENERAL: There was no absolute necessity, but the amendment was to ease the feelings of those who belonged to the railway union, and there was no harm in repetition.

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

Clauses 103, 104—agreed to.

Clause 105—Prohibition of strikes or lockouts:

Hon. FRANK WILSON: It might be desirable that after the word "person" in line 1 of Subclause 1 the following words should be added:—"Or industrial union, or association, or branch thereof respectively." This part dealt with offences, but the clause as drafted referred only to the individual and not to the different unions and societies which the Bill was establishing.

The ATTORNEY GENERAL: The word "person" as used in an Act of Parliament did not mean merely an individual, but implied any corporate body or combination of individuals which might act as an individual. For the purpose of the Bill a union was a person. "Person" included a corporation, company, or union. That was covered by the general Interpretation Act. He intended to alter the penalty, and to alter Clause 111.

Hon. Frank Wilson: Are you going to reduce them?

The ATTORNEY GENERAL: In the case of a union or industrial association he would make the penalty £100 instead of £50, and in the case of an individual reduce it to £10. With the object of including paragraph (c) of Subclause 1 in Clause 114 at a later stage he moved an amendment—

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

Amendment passed.

The ATTORNEY GENERAL moved a further amendment—

That the words "fifty pounds" at the end of Subclause 1 be struck out and the words "in the case of an employer or industrial union or association one hundred pounds and in other cases ten pounds" be inserted in lieu.

Amendment passed.

Mr. MUNSIE moved an amendment—

That the words at the end of Subclause 3 "unless he proves that he so acted without the intent of aiding in the strike or lockout" be struck out.

It was only fair that until anyone was proved guilty, he should be regarded as innocent. The inclusion of the words in question would mean that a man would be considered guity until he proved his innocence.

Amendment passed; the clause as amended agreed to.

Clauses 106 to 109—agreed to.

Clause 110—Power to make orders for observance of awards and agreements or to restrain breaches of Act:

The ATTORNEY GENERAL moved an amendment—

That the following proviso be added to Subclause 1 "Provided that any application by an industrial union or association for an order under this section shall be under the seal of the union or association and signed by the secretary and chairman."

The terms of the amendment disclosed its object.

Amendment passed.

The ATTORNEY GENERAL moved a further amendment—

That the following be inserted after Subclause 2 :—"(3.) Any of the powers of the court under this section may be exercised by the president in chambers, but any order made by the president hereunder may be discharged by the court on the application of any party or person affected."

This would bring it into line with what the Committee had already passed in other sections, giving the president the power of the court in certain cases, but submitting the president's decision in the event of an injunction or mandamus to the revision of the court. This was the usual procedure in the ordinary courts.

Amendment passed; the clause as amended agreed to.

Clause 111—Disability upon contravention of preceding provisions or wilful breach of award or agreement :

The ATTORNEY GENERAL : It was desired to take this matter out of the hands of courts of summary jurisdiction. As the clause stood the most important matters affecting industrial strife could be taken into any of the ordinary courts. Matters of such importance as strikes, lock-outs, instigations, or aids to any of them should be only within the jurisdiction of the Arbitration Court. He moved an amendment—

That the word "any" between "by" and "court" in line 1 be struck out, and the word "the" inserted in lieu.

Amendment passed.

The ATTORNEY GENERAL moved a further amendment—

That the words in lines 2 and 3 "any of the preceding provisions of this part or of wilful default in compliance with any award" be struck out, and the words "section one hundred and five" inserted in lieu.

The effect would be to limit it to lock-outs and strikes or aiding or inciting.

Amendment passed.

The ATTORNEY GENERAL moved a further amendment—

That the words at the beginning of Subclause 2 "Such court or" be struck out.

This amendment was consequential.

Amendment passed.

Hon. FRANK WILSON : There was a penalty of £20 which was hardly in keeping with the amendment already carried.

The ATTORNEY GENERAL : If a member of a union ignored his union and all obligations to this measure and incited to a strike the penalty should be not only one for committing that act, but also for failing to observe the penalty inflicted. For instance, it was provided that such a man should cease to be a member of any union, and if he did not cease the penalty was £20. It was really a penalty for disobeying an order of the court. He moved a further amendment—

That the following be added to stand as Subclause 3 :—"No order shall be made subjecting an offender to disabilities under this section if such offender shall prove that his offence was committed pursuant to and in compliance with a resolution passed by an industrial union or association whilst such offender was a member thereof."

In other words the union would take the responsibility if the offender had acted as an officer of the union. Subsequently the offender would have to take his portion of the fine if it were passed on to him.

Amendment passed; the clause as amended agreed to.

Clauses 112 and 113—agreed to.

Clause 114—Penalties for obstructing officers and similar offences :

The ATTORNEY GENERAL moved an amendment—

That in line 3 of paragraph (a) after the word "Act" the words "or wilfully disobey any order of the court" be inserted.

Amendment passed; the clause as amended agreed to.

Clauses 115 to 128—agreed to.

New clause—Attachment of wages to satisfy penalties :

Hon. FRANK WILSON moved—

That the following be added to stand as Clause 95 :—"(1.) If any court imposes any penalty on any person for a breach of any industrial award or agree-

ment, or for any offence against this Act, such court may thereupon or at any time thereafter make an order charging any portion of the wages of such person (whether then earned or owing or to be thereafter earned or to become owing, and whether under any then existing contract of service or under any contract of service to be thereafter entered into) with payment of such penalty and of any costs of the proceedings in which the penalty was imposed.

(2.) Such charges shall have priority over any assignment, charge, or other disposition of such wages given or made, whether before or after making of the charge.

(3.) After the making of such charge any employer of the person affected shall if he has received notice of the charge pay to such officer as the charging order specifies such portion of the wages of such person as the order directs, and such payment shall be made from time to time by the employer as the wages become due and payable as long as the charge continues.

(4.) No charging order shall be made after this section except in respect of the surplus of his wages above the sum of two pounds a week in the case of a worker who is married or is a widower or widow with children, or above the sum of one pound a week in the case of any other worker."

It was provided in the Bill that the court might impose the penalty upon individual members of the union, up to £10, but there was no provision for collecting that amount from the subsequent earnings of the offending member. This proposed new clause was taken from the New Zealand Act, which, it was understood, had been largely followed in the drafting of the Bill. We had given the court power to fine any individual member of the union, and to be logical we must give the court power to collect that fine. There would be great difficulty in collecting it except by attaching portion of the offender's wages.

Mr. O'Loghlen: Suppose that through ill-health the offender is unable to work?

Hon. FRANK WILSON: Then the court could not attach anything. It was a reasonable condition. It was no use imposing penalties unless they could be collected.

Mr. O'Loghlen: How could the court collect against an employer?

Hon. FRANK WILSON: The employer's assets could be sold, his very house could be sold. The proposed new clause would be found in the New Zealand Act.

The ATTORNEY GENERAL: The Bill as it stood was sufficient to meet all requirements. Clause 94, which had been agreed to, provided that all property belonging to any person bound by any judgment of the court should be available towards satisfaction of the judgment; and if this were not sufficient to fully satisfy that judgment it was provided that the members of the union should be jointly and severally liable for the deficiency, up to an amount of £10.

Hon. Frank Wilson: It does not give power to levy on their earnings.

The ATTORNEY GENERAL: One expected reform already in the air was the abolition of the process of garnisheeing wages. The garnishee system was unpopular everywhere, and would have to go.

Hon. Frank Wilson: Then you will have to abolish credit also.

The ATTORNEY GENERAL: So long as there was an assurance that everybody would be able to earn a wage, the abolition of credit might prove to be a very good thing. The danger of the garnishee process was that it would punish the innocent, the wives and the children. It was desirable to get hold of a man's available property in satisfaction of a judgment, but it was also eminently desirable that that man should continue supporting his wife and children.

Hon. Frank Wilson: What are you going to levy on?

The ATTORNEY GENERAL: If such a man had *not* sufficient property to make up £10 at the time of the judgment, it was reasonable to assume that he would acquire it before very long. The method outlined in the proposed new clause carried vindictiveness into the household. Moreover, if a member of a

union wilfully disobeyed an order of the court, he brought himself under another penalty ; and it was to be remembered that the president of the Arbitration Court had the same power of punishment as had a judge in a court of record.

Mr. FOLEY : It was to be hoped that the Committee would not accept the proposed new clause. All through the Bill the penalties provided went to show that at least the members of the Ministerial side of the House were sincere in their endeavours to put on the statute-book a measure that would be of some use. There were already three penalty clauses in the Bill which could be applied to any individual, and he would not be a party to the addition of any further penalty. He trusted there would be no further penalties imposed on members of unions or employers than were already contained in the Bill. The amendment proposed that a man should not only be penalised for doing something in contravention of the Act, perhaps on conscientious grounds, but it also aimed at penalising his family. No more scandalous proposal had ever been brought forward.

Hon. FRANK WILSON : The amendment was not a penalty clause at all. It merely provided the machinery to collect the penalty when i had been imposed under the clauses inserted by the Attorney General. If the hon. member had reviled the Attorney General and his colleagues and other members of his own party, who had introduced the measure, as the unionists had done on the goldfields recently, one could have understood it, but the hon. member had waited until the Bill was passed with all the penalties attached. No doubt caucus had brought the whip to bear on him as on other hon. members.

Mr. Foley : That is absolutely untrue.

The CHAIRMAN : The hon. member must withdraw that word " untrue."

Mr. Foley : I withdraw it under the Standing Orders. . . . . .

The CHAIRMAN : The hon. member must withdraw it without qualifications at all.

Mr. Foley : I will withdraw it.

The CHAIRMAN : The hon. member must rise to his feet when addressing the Chair.

Mr. Foley : I withdraw.

Hon. FRANK WILSON : The hon. member was to be sympathised with in his distress. The time when the hon. member should have raised his flag and yelled out his heroics was when the Bill was going through Committee, but at that stage his voice was rarely heard. Vague mutterings and sultry signs of thunder had been heard as to what would be done if the Attorney General dared to bring forward these penalty clauses, but the atmosphere had cleared as if by the touch of a magic wand.

The CHAIRMAN : The hon. member is not in order in dealing with clauses already passed.

Hon. FRANK WILSON : The irritation of the hon. member was aroused because of a harmless clause taken from the legislation of democratic New Zealand, to enable the court to collect the penalties which it imposed, and which hon. members had said it was right to collect for offences under the Act. Members knew that any court could garnishee a man's earnings, and they also knew that fully 90 per cent. of the single men, who were generally the cause of all the trouble, who ruled caucus and who ruled the meetings of unions which brought their members into trouble, had nothing but their earnings to be levied upon if a penalty was imposed. Why should not the court have the right to garnishee a percentage of the earnings of a man when he was liable for a penalty under the Act. What was the good of imposing a penalty if it could not be collected. A man could be earning £5 per week and snap his fingers at the court because it could not collect the fine.

Mr. Lander : Do you think that a married man could live on £2 a week?

Hon. FRANK WILSON : The hon. member, by his appearance, could live well on half a sovereign. This provision held a place in the New Zealand Act, and why should it not be inserted in this Bill?

The Premier : If we accept this, will you accept New Zealand provisions in future?

Hon. FRANK WILSON: No.

The Premier: Then why argue that way?

Hon. FRANK WILSON: The Premier was responsible for his own Bill. If he (Mr. Wilson) had been in power, he would not have introduced this Bill at all, but would have repealed the existing Act.

The CHAIRMAN: The hon. member must confine his remarks to the new clause.

Hon. FRANK WILSON: Let hon. members put away any ideas of bitter party feeling, and consider whether the court should not be given power to collect a penalty when it had been imposed.

Mr. FOLEY: On the second reading, the penalty clauses had been adversely criticised by him, but since then the Attorney General and other members had seen the wisdom of amending several of those clauses. Had they not been amended, the leader of the Opposition might have heard some of the Ministerial members speaking against them.

The CHAIRMAN: The hon. member is not speaking to the amendment.

New clause put and negatived.

Postponed Clause 37—Parties to agreement may be added:

The ATTORNEY GENERAL: A promise had been made that an amendment would be drafted, but that had been overlooked. However, an amendment would be prepared in accordance with the remarks made by the member for Murchison during the Committee stage, and it could be dealt with when the Bill was re-committed.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported with amendments.

BILL—PEARLING.

In Committee.

Debate resumed from the 20th August; Mr. Holman in the Chair, the Minister for Works in charge of the Bill.

Clauses 54 to 56—agreed to.

Clause 57—Revocable licenses:

Mr. MALE moved an amendment—

That all the words after "contained" in line 1 be struck out, and the following inserted in lieu:—"an inspector may without payment of any fee issue a permit for a period not exceeding four months to any person which shall, whilst in force, authorise such person to use a diving apparatus and dive for pearls and pearl shell and to be employed by anyone for that purpose, but any such permit may be revoked by any inspector at any time and for any reason or without any reason being assigned."

The amendment was to enable provision to be made for probationary divers, so that permits might be granted to them while learning the business of diving. Without the amendment it would be necessary for such men to take out full divers' licenses, and it would be wrong and misleading to give a full license to men who were unable to dive.

The MINISTER FOR WORKS: The clause had been drafted with the intention of providing for a probationary period, and as the amendment made the meaning clearer he had no objection to it.

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

Clauses 58, 59—agreed to.

Clause 60—Pearl dealers' licenses to be granted in pearling:

Mr. GARDINER moved an amendment—

That the following proviso be added:—"Provided that no pearl dealers' license shall be granted or transferred to a person who is licensed to sell intoxicating liquor under a publican's general, wayside house, Australian wine and beer or Austalian wine license, and if any holder of a pearl dealer's license becomes so licensed to sell intoxicating liquor, his pearl dealer's license shall thereupon become absolutely void."

It was most undesirable that persons who held licenses to sell spirituous liquors should hold licenses to deal in gems. Many wrong actions were committed, probably owing to the fact that gems were negotiated for in public houses.

Amendment passed; the clause, as as amended, agreed to.

Clause 61—Pearls not to be bought or sold north of 27 degrees S. lat., except by or to a licensed dealer:

Mr. MALE: Since he had spoken on the second reading he had found that pearlers had perused the measure and were strongly of opinion that the penalty should be more severe. One of the objects of the Bill was to endeavour to suppress illicit dealing, and the penalty suggested by the pearlers was £500 with or without imprisonment at the discretion of the court. As it was difficult to prevent pearl stealing, there would be no harm in adopting the higher penalty. He moved an amendment—

That the word "one" after "penalty" be struck out and the word "five" inserted in lieu.

Mr. GARDINER: There was no necessity for the amendment. A penalty of £100 would prove as great a deterrent as the heavier one. He opposed the amendment.

Mr. McDONALD: Quite recently in Fremantle a man was offered a parcel of pearls at £8 a ounce. He did not know the value, but the fact was mentioned to him as being something extraordinary. The man in question thought illicit pearl dealing would be entirely prevented by this measure. The heavier penalty was fairly just, although he would not throw the onus of proof on the person in whose possession pearls were found.

The MINISTER FOR WORKS: There was no necessity for such a high penalty though he would not oppose a slight increase. When fixing penalties we should take into consideration the value of the article.

The Premier: Property is more sacred than life with some members.

The Minister for Works: Make it £200.

Mr. MALE: In the circumstances he would agree to inserting "two" instead of "five."

Amendment (as altered) put and passed; the clause, as amended, agreed to.

Clause 62—Certain persons prohibited from selling pearls:

Mr. MALE moved an amendment—

That the word "one" after "penalty" be struck out and "two" inserted in lieu.

Amendment passed; the clause, as amended, agreed to.

Clauses 63 to 65—agreed to.

Clause 66—Pearl dealers' book:

Mr. MALE moved an amendment—

That the following subclause be added:—"(2.) Every licensed pearl dealer shall immediately after the importation by him of a pearl make an entry in his book of such importation in the prescribed form, and giving the prescribed particulars. Penalty: Twenty pounds.

A record of this description was necessary in order to prevent confusion.

Amendment passed; the clause, as amended, agreed to.

Mr. Green called attention to the state of the House.

Bells rung and a quorum formed.

Clauses 67 to 74—agreed to.

Clause 75—All pearl fishers to enter into a pearling agreement:

Mr. MALE: At a previous stage he had pointed out that it would be advisable to delete the whole of Part 3 of the Bill. He had since had an opportunity of communicating with the pearlers, who had borne out his contention. They considered it was extremely desirable that the Bill should in no way interfere with the peculiar position of the pearlers and the men they employed from outside the State, or with the relationship between the pearlers and the Commonwealth. The pearlers were anxious that nothing should be done which would conflict with their arrangements with the Commonwealth. It would be much simpler to maintain the present condition than to make any alterations. The Bill conferred no additional benefit, while Part 3 might lead to considerable inconvenience. By the Application Act of 1903 Part 2 of the Merchant Shipping Act had been made to apply to all British ships in Western Australia which, of course, included the pearling boats. It would be much simpler and better to allow the existing arrangements to continue.

The MINISTER FOR WORKS: It would be found that the Bill was designed to continue the existing conditions which were carried out by the pearlers through the shipping masters at the various ports. The proposal in the Bill was that the work should be done before the resident magistrate instead of the shipping master, and this represented practically the only difference between the Bill and the existing conditions. The point, however, was that the existing conditions had been adopted by the pearlers as a matter of choice, and not as a matter of compulsion. The hon. member was of opinion that the Merchant Shipping Act covered the pearling industry, and that the existing conditions were carried out by the pearlers under compulsion of the provisions of that Act; but the Crown Solicitor was strongly of opinion that that Act did not apply to the pearling industry. The Crown Solicitor had pointed out that the Merchant Shipping Act only applied to those vessels in West Australian waters which were referred to as foreign going ships or home trading ships, and that neither of these terms could be applied to a pearling lugger. Consequently it was clear that the present conditions were not compulsory, and, as a matter of fact, any of the pearlers could go before a shipping master and decline to do anything more than they were compelled to perform under the agreement with the Commonwealth authorities. Under the permit granted by the Commonwealth authorities an agreement was entered into at Singapore by each Asiatic who was coming to work on the luggers, and that agreement was again registered before the shipping master. That was all that was now proposed. We could not interfere with any arrangement between the pearlers and the Commonwealth authorities. All that was proposed was to enforce by law that which had been observed by choice for so many years. On the second reading he had said that if he found the existing conditions were satisfactory and had the force of law he would be prepared to delete Part 3 as being superfluous; however, as the result of inquiry, he had learnt that the exising conditions were observed by choice, and were not compulsory, and for this reason he now regarded Part 3 as being essential.

Mr. MALE: While recognising the good intentions of the Minister he was convinced that the Minister's views were not quite right, notwithstanding the legal advice obtained. A good deal depended the definition of West Australian waters, and to what extent Western Australia had control over the pearling boats. Quite recently the opinion had been given before a commission that the Federal department had no control over the pearling boats outside the three-mile limit. If this were so he was afraid the State Government had no control either, and therefore these boats might be termed foreign going, seeing that they worked outside the three-mile limit, and so be brought under the Application Act. In that case the existing conditions would be found better than Part 3 of the Bill. However, it was a highly technical point. Knowing that the Minister's intentions were to meet the pearlers rather than to harass them, he would be content if the Minister were to assure him that in the event of his (Mr. Male's) views being found to be correct the necessary alteration would be made later on.

The MINISTER FOR WORKS: In view of the emphatic nature of the opinion given by the Crown Solicitor, there was but little room to fear that any mistake had been made by the legal advisers. The Crown Solicitor had definitely stated that a pearling lugger did not come within the scope of the Merchant Shipping Act as applied in Western Australia, and the Government were bound to adopt the Crown Solicitor's advice. Therefore it was not easy to hold out to the hon. member any hope of Part 3 being deleted. No alteration was being made in the existing conditions, the only difference being that in future those conditions would be enforced. He purposed moving that the words "magistrate or inspector" should be struck out wherever met with in the various clauses, and "superintendent" inserted in lieu, with

the object of allowing the existing conditions to continue.

Clause put and passed.

Clause 76—agreed to.

Clause 77—Mode of entering into agreement:

The MINISTER FOR WORKS moved an amendment—

That in line 2 of Subclause 2 and in line 2 of Subclause 3 the words "magistrate or inspector" be struck out and "superintendent" inserted in lieu.

Amendment passed.

The MINISTER FOR WORKS moved a further amendment—

That the following be added, to stand as Subclause 5:—"The duty of superintendent under this part shall be performed by such person as the Governor may from time to time appoint."

The object of this was to permit the Government to utilise the officer most suitable in the various ports. It was not proposed to make any alteration in the existing conditions.

Amendment passed; the clause as amended agreed to.

The CHAIRMAN: In the succeeding clauses the striking out of the words "magistrate or inspector" and the insertion of "superintendent" in lieu thereof would be taken as consequential. Wherever those words appeared in this part they would be amended.

Clauses 78 to 83—agreed to.

Clause 84—Payment of wages:

Mr. MALE: The clause was not in accordance with the present agreement. It provided that wages should be paid at intervals not exceeding one month. That would be impossible; for the boats were often out for several months at a time. If the Minister would agree to substitute six months for one month it would overcome the difficulty. Boats often went out in April or May and did not return till the end of August. The men obtained what money they required outside, but not the full amount due to them until they came in.

The Minister for Works: This applies only to when they require it. They are not likely to ask for it.

Mr. MALE: There would be no objection to the provision standing if an amendment were made to paragraph (b.) of Subclause 3, the effect of which was that no deduction should be made from any wages except in respect of money paid to the pearl fisher in the presence and with the consent of a magistrate or inspector. Often the magistrate or inspector would not be on the pearling ground when the men wanted the money, and therefore it would be impossible for them to get any money at all when they were outside. In regard to the final payment it was right that it should take place in the presence of the superintendent, and the men had to agree to the items on their account before the shipping master would pay them off.

The MINISTER FOR WORKS: The provision for monthly payments applied only to cases when the men required the money, so consequently there was no need for altering the term to six months. In regard to paragraph (b.) there did not appear to be any necessity for the retention of the words "in the presence and with the consent of a magistrate or inspector" because, if the final settlement, which had to take place before the superintendent was correct, that was a sufficient check.

Mr. GARDINER: There could be no objection to the amendment to paragraph (b.) suggested by the member for Kimberley.

On motion by Mr. MALE, paragraph (b.) of Subclause 3 amended by striking out the words "in the presence and with the consent of a magistrate or inspector."

Mr. MALE moved a further amendment—

That the following words be added to paragraph (c.):—"which prices shall not exceed the prices charged by the local stores for similar articles, plus 10 per cent."

The 10 per cent. covered the cost of taking the goods to the pearling grounds and the amendment would make the clause in conformity with the Commonwealth regulations.

The MINISTER FOR WORKS: The amendment could not be accepted. So

far as Broome was concerned there was sufficient competition between the various colours to keep the prices reasonable, but where in other ports there was only one firm operating the rates charged were exorbitant and it would be unfair to allow a 10 per cent. advance on them. Whatever might be the practice at Broome, the pearlers at the other ports did not buy their goods locally but bought direct either from Fremantle or Singapore, and therefore the rates they charged the men were not governed by the prices at the local stores. It would be preferable to leave the matter of prices to the judgment of the superintendent. There was evidence that exorbitant prices were charged and that sometimes the men returned from outside actually in debt. It was desirable that the superintendent should have power to check that sort of thing.

Mr. MALE: So far as Broome was concerned the provision was fairly right, and the pearlers were already controlled by the Federal regulations. In regard to the other pearling grounds, he did not think the slop chest existed to any extent. His idea was that the amendment would define more clearly what reasonable prices were, but he would not press the point.

Amendment put and negatived.

Clause as previously amended put and passed.

Clauses 85 to 95—agreed to.

Clause 96—Appeal from order forbidding use of gear:

Mr. MALE: It would be impossible to take the ship's gear before a magistrate at Roebourne or Onslow, and in any case the magistrate might not be qualified to superintend the test. The position might be met by adding after "magistrate" the words "or person appointed by him for that purpose."

The Minister for Works: I have no objection.

On motion by Mr. MALE, clause amended by adding after "magistrate" in line 5 the words "or other person appointed by him for that purpose."

Clause as amended put and passed.

Clauses 97, 98, 99—agreed to.

Clause 100—Governor may prescribe sizes of pearl shell:

On motion by the MINISTER FOR WORKS, clause amended by adding the following subclause:—

(4.) If any pearl shell of dimensions below the prescribed minimum has been taken or obtained contrary to any proclamation under this section such pearl shell shall be forfeited to His Majesty, and a declaration to that effect may be made by any two justices of the peace on the application of an inspector in the prescribed manner.

Clause as amended put and passed.

Clauses 101 to 108—agreed to.

The CHAIRMAN: The member for Roebourne had on the Notice Paper a new clause headed "Royalty payable by licensees." It was not permissible for the hon. member to move that amendment. Although the Standing Orders did not provide for a case like this, the first Standing Order set out as a general rule that unless other provision was made the usages of the House of Commons were to be observed. *May* stated on page 564— .

> The principle that the sanction of the Crown must be given to every grant of money drawn from the public revenue, applies equally to the taxation levied to provide that revenue. No motion can therefore be made to impose a tax, save by the Minister of the Crown, unless such tax be in substitution, by way of equivalent, for taxation at that moment submitted to the consideration of Parliament; nor can the amount of the tax proposed on behalf of the Crown be augmented, nor any alteration made in the area of imposition. In like manner no increase can be considered by the House, except on the initiative of a Minister, acting on behalf of the Crown, either of an existing, or of a new or temporary tax for the service of the year; nor can a member other than a Minister move for the introduction of a Bill framed to effect a reduction of duties, which would incidentally affect the increase of an existing duty or the imposition of a new tax, although the aggregate amount of imposition would be diminished by the provisions of the Bill.

This showed clearly that it was not within the province of a private member to move for the imposition of a new tax. There was no doubt about the intention of the hon. member when he brought forward the amendment, because he stated definitely when speaking that he considered the taxes derived were not sufficient, and that he would move an amendment when the Bill reached the Committee stage. It was clearly laid down that a private member should not move an amendment of this description. Standing Order No. 171 of the Commonwealth House of Representatives stated—

> No amendment for the imposition or for the increase of a tax, rate, or duty shall be proposed by any non-official member in any Committee on any Bill.

He ruled that the amendment was out of order on the grounds set forth in the extract he had read from *May*.

Mr. GARDINER: Recognising that the Chairman was acting in accordance with the Constitution he would bow to the ruling. He felt keenly on this question. The measure affected a large portion of the constituency which he had the honour to represent, and he desired that the matter should be discussed by the Committee. Therefore he appealed to the Minister to receive the necessary message from the Governor, and after the other new clauses had been discussed to report progress and allow this clause to be introduced subsequently. He appealed to the Minister not to make any reduction in the amount, as it would be impossible for a private member to move for an increase, whereas if the Minister would introduce the amendment it would be quite competent, if members desired, to make a reduction. This was only another indication of the urgent necessity for amending the Constitution. Although a number of members might desire certain amendments to be moved, if a minister objected—he did not contemplate any objection in this instance—it would be utterly impossible to have them brought forward and have them discussed under the Chairman's ruling, which ruling he believed was correct.

The CHAIRMAN: The hon. member was going outside the point of making an explanation.

Mr. GARDINER: Again he would appeal to the Minister for Works to introduce the clause.

The MINISTER FOR WORKS: For the purpose of discussion he was willing to have the question introduced, and he proposed at a later stage to submit an amendment on somewhat similar lines for the consideration of members. He did not know whether the Committee could proceed with other new clauses.

The CHAIRMAN: Yes, there was nothing before the Committee at the present time.

New clause—Pearls not to be bought or sold after 6 p.m. till 8 a.m.:

Mr. MALE moved an amendment—

> *That the following be added to stand as Clause 63*:—"*No person whether a licensed pearl dealer or not shall, at any place north of the twenty-seventh parallel of South latitude buy or sell any pearl after the hour of six o'clock in the evening till eight o'clock in the morning. Penalty: Fifty pounds.*"

The object was to prevent dealing in pearls except during the hours of daylight.

New clause put and passed.

New clause—Pearling ships to have at least one white man on board:—

Mr. GARDINER moved an amendment—

> *That the following be added to stand as Clause 103*:—"*No person shall use a ship for pearling or permit a ship to be so used or send or take any ship to sea for the purpose of being so used unless the master or one of the crew is a man of the white or European race. Penalty: Twenty pounds.*"

There were a great number of pearling boats working on the coast and many were worked entirely by Asiatics. One fairly large fleet did not employ a single white man directly or indirectly ashore or at sea. At Broome a number of the pearlers insisted upon one white man being on board the boats but in other cases they did not. Seeing that they were working in British waters it was

reasonable to provide that one of the crew should be a white man.

Mr. MALE: While approving of the principle of encouraging the employment of white labour as far as possible he was not in agreement with the new clause. The majority of the pearlers in Broome employed a white man on each boat for the purpose of shell opening. He moved an amendment to the proposed new clause—

That the words "use a ship for pearling or permit a ship to be so used or" be struck out.

The boats came in during December for the lay-up season. There was no shell-opening to be done during the months they were laid up and many of the men liked to spend Christmas in the South. If the amendment were carried, the new clause would apply only to ships going to sea.

Mr. GARDINER: The amendment made very little difference, and the clause would still effect his object to provide for a white man being on board each ship while at sea.

Amendment (Mr. Male's) put and passed.

Mr. MALE: If the hon. member provided for one white man to every two boats, he would support the new clause.

Mr. Gardiner No.

Mr. MALE: There was a number of schooners from which pearling boats worked. In one case there were twenty working boats, and there would not be enough work for twenty white men as motor launches were run to collect the shell and take it to the schooners. To overcome any hardship he moved an amendment to the proposed new clause—

That the following proviso be added:—"Provided however that where the ships are working from a schooner or tender there shall be engaged on such schooner or ships at least one white or European man for each two boats, and a minimum of not less than four white men or European men in all."

The minimum was made because a schooner might have six working boats and that would provide for only three white men.

Mr. Lander: Would the white men on the motors count?

Mr. MALE: Yes, there would be only one on each motor.

Mr. Lander: That would make one man to three boats.

Mr. MALE: There were not many schooners or tenders working, but where a man had a fleet of twenty boats the new clause would inflict undue hardship.

Mr. GARDINER: If we insisted on small pearlers having a white man on each boat, the same should apply to the man who had twenty boats. The latter was better able to pay for them. He would like to see more than one white man on each lugger, but as he could not see his way to make provision in that direction he had contented himself with moving for one. He did not feel disposed to concede anything on the new clause.

The MINISTER FOR WORKS: With the proposal as outlined by the member for Roebourne, he was inclined to agree, because the proviso would relieve the big man and impose the full responsibility on the small man.

Amendment (Mr. Male's) put and negatived.

Mr. McDONALD: The penalty provided was scarcely sufficient. He moved an amendment to the proposed new clause—

That the word "twenty" be struck out and "fifty" inserted in lieu.

Amendment passed; the new clause as amended agreed to.

Progress reported.

House adjourned at 10·33 p.m.