the chief protector will have no control over aboriginal children within reserves unless the power is given by statute. That is one good feature I see in Clause 15. Again, we are giving power in the Bill for agreements to be entered into by settlers with the natives. If by delegation the Government seek to restrict the movements of aborigines, and if by delegation the Government may make powers for natives to stay on certain stations and in certain places, is it not reasonable to leave that power in the hands of the Government? That the Government having entered into agreements with natives, or the chief protector, as the guardian of the natives, that the natives should remain within certain reserves, it certainly is objectionable that the Minister may cause any aborigine to be removed. It seems harsh and an interference with the liberty of the subject. I do not think that is intended. It is optional for the Minister to remove a native, and no doubt the Government will be cautious in using such power. I think such a provision can safely be made, and there can be no real objection to it. I support the second reading of the measure.

On motion by HON. J. A. THOMSON, debate adjourned.

ADJOURNMENT.

The House adjourned at 6·24 o'clock, until the next day.

Legislative Assembly,

Tuesday, 11th October, 1904.

THE SPEAKER took the Chair at 3·30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: By-laws of Cue Roads Board (amended) for registration of camels and licensing of drivers.

By the PREMIER: Fremantle Cemetery Board, Receipts and Expenditure for 1903-4; 2, War Office claims on account of South African Contingents, moved for by Mr. Thomas. The PREMIER requested that members referring to the Contingent papers should do so within a few days, as they were still the subject of correspondence.

QUESTION—LAND SURVEYS, ARREARS.

MR. HOPKINS asked the Premier: 1, In view of the arrears at present existing in the Survey Branch of the Lands Department, will the Premier inform the House what reasons have been advanced for the retirement of Assistant Surveyors from the Contract Staff? 2, Is it not unwise to curtail the Survey Staff whilst the arrears of surveys continue to harass the selector and menace the progress made in land selection? 3, Why was the Works Department not provided the urgently needed accommodation for the Drafting Branches of the Lands Department? 4, What steps are being taken to overcome the congestion existing? 5, Will the Premier insist on the arrears being cleared off with all the expedition possible?

THE PREMIER replied: 1, Contract surveyors received authority to employ assistants, but owing to its having been

discovered that the privilege was being abused by surveyors allowing assistants to do independent work, contrary to the Licensed Surveyors Act and regulations, authority has been withdrawn. 2, The field staff has not been curtailed, as approved assistants were not supposed to do independent work. 3, Because it was not possible to arrange for the vacating of the rooms by the Works Department which the Lands Department are to occupy, but it is hoped that they will be ready by the end of the present month. 4, Every effort is being made to overcome arrears, which, generally speaking, are steadily decreasing, as follow:—

1904:	31st July.	30th Sept.
20 scale compilations (plans)	23	17
Compilations to duplicate...	182	178
Standard 80 and 300 scale plans	16	6
Public plans, to prepare ...	18	10
Diagrams to chart on compilations	2,819	2,741
Diagrams to chart on standard and working plans	124	246
Land agents, etc., plans to prepare	47	44
Diagrams to be examined...	1,047	1,215
Original plans to be examined	80	109
Instructions for surveyors, to be issued	223	164
Crown grants, to prepare ...	8	55
Conditional Purchase Leases	4,650	4,500
Pastoral Leases	1,260	1,100
Approximate value of instructions in hand of contract surveyors for survey	£17,228	£16,290

5, Yes.

QUESTION—JANDAKOT RAILWAY, CONSTRUCTION OF FIRST SECTIONS.

MR. J. P. McLARTY asked the Premier: Is it intended to immediately proceed with the construction of the first sections of the Jandakot Railway? If not, why not?

THE PREMIER replied: This line was provided for on the Estimates of expenditure from Consolidated Revenue last year. The survey has since been made, and working plans are in course of preparation. It is impossible as yet to estimate what funds will be available from revenue for this work.

QUESTION—MUNICIPAL BILL, PRESS STATEMENT.

MR. C. H. RASON asked the Minister for Justice: 1, Has he noticed remarks appearing in a section of the daily Press under the heading "An answer to Critics, Statement by the Crown Solicitor," in regard to the Municipal Institutions Bill? 2, Was such statement furnished with the sanction or knowledge of the Government? 3, Does the Government consider it advisable that the Crown Solicitor should publicly comment upon a measure under discussion in either House of Parliament? 4, Will the practice be continued?

THE MINISTER FOR JUSTICE replied: 1, Yes. 2, The Crown Solicitor, as draftsman of the Bill, at the request of the Minister who introduced the Bill, explained to a representative of the Press the particulars in which the Bill followed and departed from the recommendations of the conference; but it was not with the sanction of the Government or of the Crown Solicitor that any comment upon the Bill by the latter was published. 3, No. 4, It is not the practice of the Crown Solicitor to publicly comment on measures before Parliament.

QUESTION—FORESTRY LEGISLATION.

MR. F. F. WILSON asked the Premier (without notice): 1, Does the Government intend at an early date to introduce legislation for the control and working of the forests of the State. 2, If so, what steps does the Government contemplate taking for the purpose of raising the Forestry Department to such a state of efficiency as will place it in a position to carry the principles of the proposed legislation into effect?

THE PREMIER: In reply to the hon. member's questions, I have to answer: No. 1, Yes; it is the intention of the Government to introduce legislation dealing with the forests of the State, and a measure is at present in the hands of the draftsman. No. 2, It is intended to appoint a conservator of forests for the purpose of securing more effective administration and control than exists at the present moment.

BILL, FIRST READING.

REFERENDUM (Legislative Council), introduced by the Premier; a Bill "to provide for a reference to the electors qualified to vote at elections of members of the Legislative Assembly, of the

questions—(1) Whether electors are in favour of a single-chamber Legislature, and (2) Whether electors are in favour of household suffrage in the election of members of the Legislative Council."

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2).

SECOND READING.

Debate resumed from the 4th October; the Minister for Railways and Labour (Hon. J. B. Holman) in charge of the Bill.

Mr. C. J. MORAN (West Perth): This is the second Bill dealing with the important subject of arbitration that this House has had to consider during this short session. It will be remembered that the measure has been submitted in lieu of a Bill providing for a fraction of the court, and that the least portion of it, exercising the full functions of the court outside of Perth which the House, I am pleased to say, very determinedly and very wisely rejected. The Bill before us is not satisfactory from my standpoint. I am not prepared at this early stage in experimenting in arbitration—and we hope that this experiment will be successful—to lower the status of the court that has to deal with far greater and more far-reaching interests than any question that can come before the Supreme Court itself. I hope I shall not be contravening any Standing Order in referring to the clause of the Bill, because there is only one clause in it, and the whole principle hangs upon the question, shall we or shall we not allow anyone else than a Supreme Court Judge, firmly and irremovably fixed in his position, to hold supreme powers in connection with arbitration? The Bill reads:—

> The Governor may from time to time, at the request of the president, appoint a Judge of the Supreme Court or any person qualified to be appointed a Commissioner under the provisions of Section 12 of the Supreme Court Act 1880 as deputy president, to act in respect to any matter or proceeding mentioned in the appointment, and the said deputy shall, in respect of such matter or proceeding, have all rights, powers, jurisdictions, and privileges of the president under this Act.

I have before me the Supreme Court Act of 1880, passed as it was by the old Council of the State before we had responsible government. I have taken the trouble to look up the *Hansard* reports of the discussions on the Bill when going through the old Council. Members will be surprised when I inform them of the paucity of the remarks made in introducing the Bill. The acting Attorney General at that period (Mr. Leake) brought in the Bill, and in doing so informed the Council that it was merely a transcript of the English Act made applicable, with verbal alterations, to Western Australia. There was no discussion whatever. I fail to see in *Hansard* one word or reference to the section dealing with the appointment of the Commissioner to hold temporarily the functions of a Supreme Court Judge. Evidently matters of this kind in those days were left largely in the hands of the paid officials of the State. The section under which we propose to act if this Bill is carried into operation is Section 12, copied from the English Act. Therefore we are to look to England for precedent in the appointment of Commissioners. I do not think there is any hon. member, nor is there, I am certain, one member of the learned profession of law who would hold for one moment that in England the appointment of a Commissioner is other than a most temporary expedient to overcome a pressure of business in any given locality, whereby a well-qualified legal gentleman takes upon himself temporarily, and but for a session as a rule—I think that is the universal practice almost, for but a session—to try issues then pending and waiting for trial at the Supreme Court hearing. I regret very much that the Premier is not in his place while I am speaking on this important Bill, not out of any courtesy to me, but because of the importance of the measure. The section reads:—

> The Governor, by commission either general or special, may assign to any Judge or Judges of the Supreme Court or to any practitioner of the said court of at least seven years' standing, or to any magistrate of a Local Court, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter pending in the said Supreme Court.

That is the *raison d'être* of the appointment of Commissioners in England. There was no single reason given for

the appointment in Western Australia, saving and excepting the fact that this was a transcript of the English Act simplifying, modifying, and modernising the rules of procedure of the Supreme Court. At that time there was but one Judge, and he was a supreme justice. The only point which cropped up for discussion, and it was got over in a few brief lines, was an amendment giving the Governor power to appoint other Judges. The reason for appointing Commissioners in Western Australia was never once mentioned either in Committee or on the second reading of the Bill. Therefore we follow the English precedent in that only. I hold that the existence of a Commissioner of the Supreme Court for the last two years—how long has Mr. Justice Roe held the position of a Commissioner in the Supreme Court? I speak subject to correction. Is it for two years? I think it is about that period.

MR. RASON: It must be that.

MR. MORAN: Yes; at least that, I think. I hold that in Western Australia to-day even it is entirely unconstitutional, if not illegal. The existence of a Commissioner holding the full status and the full powers of a Supreme Court Judge in Western Australia for two years is at once to my mind a complete argument that there has been either necessity for the appointment of another Judge, or else the work is not being done with that celerity which might be expected by what we are told is a full bench.

MR. TROY: Has it had a harmful effect.

MR. MORAN: I am asked by the member for Mount Magnet whether it has had a harmful effect. I should think that a gentleman so loud at the present time in his protestations about the delay of the Arbitration Court would be the last to ask whether the paucity of Judges or holding back the work of the Supreme Court Judges has had a bad effect. We are told by Labour members particularly that it is a scandal, and what is more, that it is a menace to the prosperity of this State that there is no show of a Judge of the Supreme Court being constantly at work in the Arbitration Court, and the reason why we cannot have one now is because there is too much work in the other courts. Surely the hon. member should not ask questions like that.

MR. TROY: The hon. member misunderstands me.

MR. MORAN: What is the question?

MR. TROY: I think the member for West Perth is speaking against the appointment of a Commissioner.

THE SPEAKER: The hon. member cannot interpose in a speech just now.

MR. MORAN (to Mr. Troy): What is your question?

MR. TROY: Has the appointment of Commissioner Roe had a harmful effect?

MR. MORAN: On what?

MR. TROY: On doing justice to the people.

MR. MORAN: Surely the hon. member will not expect me to enter into detail on any of the decisions given by Mr. Justice Roe. Certainly I do not know that Mr. Commissioner Roe's ability or decisions have been called into question; but if he were the most admirable of Judges, the most admirable and learned of lawyers, I object to this use being made of the power to appoint a Commissioner. To allow a temporary Commissioner to remain for over two years is almost without precedent, and he really is a permanent Supreme Court Judge, but still he is kept there as a Commissioner. I will tell the hon. member the harm it is. It is striking a deadly blow at the most precious jewel in the British constitutional system. A Commissioner is temporarily appointed, and may be sent back to the ranks from which he came, or he may be promoted. Even in dealing with ordinary Supreme Court cases it has been held as the coping-stone of our whole constitutional system that when we appoint a Supreme Court Judge he must be placed there above all political considerations. He must be placed in such a position that his actions, views, or decisions shall not in any way lead to the liability of his being a *persona grata* or otherwise with any Administration which may be in power. That is the very first ideal, the very first desideratum of our judicial system, that a Supreme Court Judge shall be high above politics and parties; placed there only to be removed in consequence of a flagrant breach of justice which any right-minded man will at once condemn. I hold, therefore, that the appointment

of Commissioners should be of the most temporary character. But let me pass on from that subject. I instance this because, as I say, the judiciary under our British system is the envy of the world; but nine-tenths of the time of the ordinary Supreme Court Judges is taken up by trying ordinary issues between individuals. If one looks through the list of our Supreme Court cases he will find it is not often that questions of vital importance to the body politic or the body industrial come before a Supreme Court Judge. Nine-tenths of the cases will be found to be private issues in which A sues B for a smaller or greater amount in dispute, affecting individuals only. Or, again, the Supreme Court will be engaged in trying criminal cases in which often perhaps the liberty of one individual is at stake. Or, again, the Supreme Court will be largely taken up with trying the case of a man who has found it impossible to meet his obligations, and who goes into bankruptcy. Important matters, of course, very important, and we hedge them round with safeguards; but they more or less relate to the individuals directly concerned, who are units. Again, the ordinary Supreme Court Judge has a lot of his time taken up, and will have more taken up in the future I presume, in trying divorce cases. Will anyone in this Chamber contend that a question of dispute between A and B as to the ownership of a few acres of land, or as to an indebtedness of £50, or a question whether a man and a wife shall live together or be separated by law or not, is a matter of such vital importance as this great question affecting the whole body industrial in Western Australia? No one can argue that there is any analogy between the importance of those cases which make up nine-tenths of the work of the Supreme Court Judge and those mighty issues to-day affecting as they do the whole industrial and I may almost say the social life of Western Australia. There is a graver consideration still; and I think we are unworthy of our positions in this Assembly if we are afraid to speak our minds in this matter. The Arbitration Court to-day is the latest effort of a civilised people to bring some sort of reason to bear on these tremendous issues which have disturbed Australia and the whole civilised world in modern times. The struggle between labour and capital to-day makes up the politics of Australia, makes up to-day the most tremendous issues found in the British Empire and in all the civilised States of the world. This struggle to-day is the feature of the age. The uprising of labour for a greater proportion of the wealth produced, and naturally the effort of the man with some money to guard what he has made—these issues far transcend in importance and magnitude any issues of an ordinary character which may come before the Supreme Court. And knowing, when we instituted the Arbitration Court, that these issues were so great and so important—I wish there was not so much cackle on the Treasury benches, I cannot hear myself speak—when we instituted arbitration, we sought for the very highest tribunal that human aid could give us, and that was the Supreme Court. The very salvation of arbitration was held to be the decision of a man who by his ability and integrity had first won the position of a Supreme Court Judge. He was the highest person whom we could find to fill that responsible position, in which he would control the destinies of thousands of workers on the one hand and tens of thousands of capital on the other. Will anyone contend that had we some higher position in our judicial system or in our magnificent British Constitution than the Supreme Court bench, had it been possible to get a higher officer of State than a Judge, we should have hesitated? Not for a moment. Were any other institution known to the British form of government or to the world higher than the judicial bench, we should have gone to that institution for a person to decide these mighty issues. But we could not find such a person; and we took a Judge from the Supreme Court, feeling that behind us was the history of centuries, knowing that in the eyes of the wide world to-day the British judicial system stands first and foremost. Nay, in the pages of history we shall find nothing so perfect as the British judicial system.

Mr. Nanson: Do not go back too far.

Mr. Moran: Yes; I go back to the end of time. Members laugh; but time has two ends—the first end and the last end. It would be impossible, in ranging

through history, to find any institution which, in dealing with private and with public disputes, has commanded more respect from the whole world than has the British judicial system. Therefore we took a Supreme Court Judge; and if we could have found a higher officer, we should have taken him. It is, however, proposed by this Bill to take an officer lower in status than a Supreme Court Judge. That is what I object to. I do not object to the temporary appointment of a Commissioner to deal with the press of ordinary Supreme Court work; and I have given my reasons. Such work has not at all the magnitude, nor has it the far-reaching consequences for good or for ill, of the decisions of the Arbitration Court. We know that round the question of wages has raged the fiercest political battles, and often the fiercest social turmoil; and we know to-day that the uprising and the gradual growth of the power of Labour in politics have resulted in placing the direct nominees of Labour on the Treasury benches of this country. These nominees cannot seggregate themselves from the labour unions of which they are the creatures and the proud political expression. All the more reason why the party in power should be the last and not the first to propose anything which would in any way interfere with the sacredness of a tribunal appointed to try issues of such magnitude. And I contend there is no occasion for this; I resent it; I object to it; and I know—for it cannot be hidden—that there are murmurings and grumblings against certain men, and preference shown for certain others. Why should we keep these facts in the dark? Why not admit that cases have been held back for 12 months in order that a certain gentleman should try them? That is so, and was proved in the Arbitration Court this very morning. When the case of the Kurrawang Woodcutters' Union came before Mr. Justice Burnside this morning, he asked why this case had not been tried a year ago. It was cited in 1903. I believe the application was made by the present Minister for Labour (Hon. J. B. Holman), 13 months ago, I am informed. Mr. Justice Burnside asked why this case had not been tried. No answer. Somebody suggested that the clerk of the court could, perhaps, give some explanation. No; he could not. No answer. And Mr. Justice Burnside said: "When I saw the date of this case, I naturally concluded it was a misprint, or a mistake of some sort." "And," he said, "I cannot understand why this case has been pending ever since." I do not say the case was held back; but I am far from believing that there was not a motive for holding it back. I say that is the opinion of a very large section of the people. My opinion is that Mr. Justice Burnside is more pleasant to the members of the Labour unions than is any other Judge in the State. That is my deliberate opinion, gathered from the gentlemen themselves.

MR. TROY: Where is the proof of that? You are only surmising.

MR. MORAN: The hon. member can contradict me if I am wrong. I am not antagonistic to him, or to his party in the House. I wish to take a strictly impartial view. What does it matter to me which Judge tries these cases? I have not a pennyworth of interest in the cases; but I have to perform my duty as a representative of the people, and to speak as I always have spoken, straightforwardly and fearlessly in what I believe to be the interest of this great principle of arbitration. I do not want arbitration to be under the control of any Government, in virtue of their power to temporarily appoint a Commissioner of this kind. I do not want such power given even to the Labour Government, and I say so for the sake of the Labour party. The present Government may not last for ever. If such power be given them, where will it end? There are preferences, and everybody in the State knows of them. Suppose the late and much-lamented Judge Moorhead had been an acting Commissioner of the Supreme Court when he was president of the Arbitration Court, would any Labour Government, without serious consideration, have confirmed him for all time in his appointment as president? I remember the circumstances. I remember the attack made on that gentleman. Take another Judge, even Mr. Justice Parker. But would any Labour Government hesitate for any reason to appoint Mr. Justice Burnside as permanent president of the court if he were now a Commissioner? We are told that Governments are high above such

influences. I say they are not, and never will be. If they were, we should not want Judges. The war of politics, the turmoil of politics, will sweep Governments off their feet; and they must listen to the voice of the people behind them, especially when Ministers are an integral part of the very unions whose cases are being tried in the Arbitration Court. Ministers are simply ordinary members of these unions, and whenever Ministers sit in caucus they are plain individuals like any others of the 22. This is not a case of A *versus* B; but when the case of 2,000 members of a union which returns two men to this Parliament and which keeps Ministers in power is concerned, a hundredfold greater is the reason for removing any shade of political significance from the appointment or the retention of a Commissioner dealing with arbitration. And again I point it out in this way. Where is the arbitration, if an arbitrator is on trial while he is giving his decisions? Where is the arbitration if you arbitrate because you like the arbitrator? That is a farce. That is not arbitration at all. I am pointing out these dangers; and I hope I may forcibly impress myself, not on ordinary members of the House, but on the Labour members. As I say, Labour in Australia has so far made the most honourable of records by keeping free from any undue influence of this kind. Long may that record remain the most honourable; and in order that it may, let us remove from Governments such opportunities; though not for a moment do I suggest that they would make use of them, but in order that it may not be said afterwards that they did so. Let us appoint a Supreme Court Judge to deal with these arbitration matters. Are we to doubt the efficiency or the honesty of any particular Judge to deal with them? No. Let us banish such a doubt. And now, is there any occasion for appointing a Commissioner? Are all our Judges incapacitated? Is there no Supreme Court Judge in Western Australia? Must we appoint a Commissioner? Is there any work of the same importance and magnitude as the Arbitration Court work? None whatever. Why cannot the ordinary, small, Supreme Court cases be tried by a Commissioner as they have been tried for the last two years? And if it is possible to have a Commissioner for two years—for that great length of time—is it impossible to have another Commissioner to attend to the press of minor work in the Supreme Court? No. There is no political significance attached to private cases; there is no warring of parties; there are no secret murmurings against the decisions. If the cause list be overcrowded to-day, why not appoint temporarily another Commissioner to deal with cases? But in the peculiar condition of politics in Australia to-day, were there only one Supreme Court Judge in Western Australia and a necessity for 10 Commissioners, I should never consent to anything else than putting that one Judge in the Arbitration Court and letting the 10 Commissioners do the ordinary work of the Supreme Court. That is the stand I take. In many ways the proposal in this Bill is open to greater objection than that of the former Bill. Bill No. 1 was a matter of machinery, a matter of interfering with the machinery of the court, of interfering with the method of hearing evidence, taking it second-hand or distilled through two interested parties, because both lay arbitrators are interested, for they are nominated by the respective sides. But in this case I say, if we appoint a Commissioner temporarily, he will not give satisfaction. He will either have to be confirmed in his appointment, or somebody else must be appointed. If he is not confirmed in his appointment as a Judge, it will be said by some, "Well, we could not expect anything else." If he be confirmed in it, people will say, "Well, the reasons are so and so." But if we appoint as president a Supreme Court Judge, a man of integrity, then the murmurings will be of no effect. We know that as long as arbitration and litigation exist there will be discontent; but at least it cannot truthfully be said that political influence had anything to do with the decisions of the court. And it is with that phase of the question I am dealing, and it is that influence which I wish to remove from future discussions on this subject. If members will kindly look at the Bill, they will find that it reads:—

> The Governor may from time to time at the request of the president appoint a Judge of the

Supreme Court or any person qualified to be appointed a Commissioner under the provisions of Section 12 of the Supreme Court Act.

I propose to strike out that alternative, "or any person qualified to be appointed a Commissioner." I am informed that we may safely allow the Bill to go into Committee and strike out these objectionable words, thus permitting the Government to appoint a deputy president who may perform the functions of the Arbitration Court at the same time that Mr. Justice Burnside performs them in Perth. It will give us the services of Mr. Justice Burnside, which we wish to retain if we possibly can, but of course his Honour cannot travel; and will also allow another Supreme Court Judge—they are all Supreme Court Judges—to take on himself this work in the centres where these large disputes occur. Thus Mr. Justice Burnside's time will be taken up in Perth trying issues of arbitration, while another Judge of the Supreme Court will be trying issues in Kalgoorlie, in the timber country, or wherever disputes may arise. There is no objection to that course that I can see.

MR. NANSON: Mr. Justice Burnside being so ill, could not another Judge be appointed as president of the Arbitration Court?

MR. MORAN: I almost agree with the hon. member; but I desire to give such support and assistance to the Government in this matter, consonant with not allowing a temporary Commissioner to act as a Supreme Court Judge in the Arbitration Court, so that this Bill may become law and allow another Judge to sit in the Arbitration Court as well as Mr. Justice Burnside, though it will interfere with the general principle of having an independent man permanently on the bench. I agree with the hon. member that it seems almost like cruelty to ask Mr. Justice Burnside in his present condition to work at all. There may be something in what the hon. member says, and the probability is—but I do not wish to discuss that phase at present. I seriously ask Labour members to support me, so that we may have a Supreme Court Judge trying these issues in the country and another trying them in Perth. We should not allow a measure to be passed which would be a reproach against arbitration. We should not allow it to be said that we dealt a death-blow to arbitration by allowing political influences to get in. That is the stand I intend to take. I understand the Government will allow this phase of the question to be discussed in Committee: otherwise I should vote against the second reading. My advise is to ask the Government, if necessary, to appoint another Commissioner of the Supreme Court to do the ordinary legal work, and to remove one of the Supreme Court Judges and place him in the Arbitration Court. I am reminded by a note that the leader of the Opposition (Mr. Rason) has an amendment to that effect on the Notice Paper, and I shall support it. I ask the House, therefore, to adopt the safer course to get over this press of work. If there be this press of work in the Supreme Court, let us have another Judge if the work is to be permanent; if not, let us have not another Judge, but a Commissioner appointed for a period. Do not let us alter these commissionerships by extending them to long periods of service, but let us observe the constitutional and I believe the legal practice of allowing the Commissioner to serve only for a term.

MR. GREGORY: The amending Act of 1903 allows for the appointment of a Commissioner.

MR. MORAN: I disagree with the appointment of Commissioners for long terms, as it deals a blow at the principle of the Supreme Court; and if a Commissioner holds his position for two years and there is no possibility of his being removed, it shows the necessity for a permanent appointment. I support this second reading; but I hope that mine will be taken as the opinion of one who has not the slightest prejudice on one side or the other. If there be any prejudice on one side, my ten years' political life will show that my support has always gone to the side of Labour; and that support is still helping to keep a Labour Government in power. I speak with privilege on the matter and without giving offence, as being an old member of the Assembly pointing out to younger members how necessary it is that innocent principles of this character must be regarded from the view of larger issues.

THE PREMIER (Hon. H. Daglish): I simply rise to say a word or two in regard to one aspect of this question raised by the member for West Perth, in respect to the amendment of which notice has already been given, providing for the excision from the Bill of the reference to a Commissioner of the Supreme Court acting in the Arbitration Court. I intimated privately last week to the member for West Perth that I had no objection to accepting an amendment of that description, and I made the same intimation to the leader of the Opposition. I therefore am quite willing that this amendment shall be made, because the measure is not introduced to suit any other purpose but the removal of the glut existing in connection with the Arbitration Court. The sole object of the Government is, not only to remove the present congestion, but to have adequate machinery available for the purpose of preventing similar occurrences in the future. I would like, however, to refer to a point mentioned by the member for West Perth in reply to the member for Greenough (Mr. Nanson), that in respect to the expediency or propriety of retaining Mr. Justice Burnside as president of the Arbitration Court. It may have escaped the recollection of members that when the previous Bill dealing with this subject was before the House I dealt with that point, and stated that I had distinctly asked his Honour if he desired to be relieved from the work of the court, and that the Judge had given me to understand that he would prefer to continue the work rather than be relieved, because he felt better while he was working than if he were not doing so. If the Government were at all convinced, or had reasonable grounds to believe, that his Honour's health is in any way affected by the work he is doing, steps would be at once taken to relieve him; but as I was given to understand, there is a certain amount of advantage to his Honour gained by being afforded an opportunity of continuing this work.

MR. NANSON: Is that a medical opinion?

THE PREMIER: I am speaking of his Honour's personal opinion.

MR. NANSON: Could you get it fortified by a medical opinion?

THE PREMIER: That is rather a delicate thing to ask.

MR. HOPKINS: Unfortunately, his Honour is in a delicate position.

THE PREMIER: I do not see how I could very well ask to be supplied with a medical opinion on the subject; but I can assure hon. members that if there was any reason to suppose the Judge's health would be helped by relieving him from duty, the Government would be at once prepared to undertake it.

MR. RASON: There is another view to take of that.

MR. NANSON: His Honour might be prepared to be relieved on full salary.

THE PREMIER: I have just placed before the House the opinion given to me by the Judge himself. I think members ought to be in full possession of it. The Government have no desire whatever, except to consider the Judge's health in every conceivable manner. In regard to another allusion made by the member for West Perth in respect to that old matter of criticisms made by some persons on Judge Moorhead while he was fulfilling the position of president of the Arbitration Court, I should like to say that no member of this House was in any way a party to any criticisms that were made. I wish it to be clearly understood, not only by the House but by the public as well, that no member of the parliamentary Labour party has at any time done so.

MR. MORAN: Do you confine that to the State?

THE PREMIER: I cannot speak for any other State. No member of the Labour party in this Parliament ever reflected on the manner in which the late Mr. Justice Moorhead discharged his functions, whether in the Supreme Court on the legal side or in the Arbitration Court.

MR. MORAN: That does not amount to much. The criticism was very severe.

MR. H. BROWN: It was one of the Western Australian members of the Labour party.

MR. HOPKINS: The only disreputable one.

MR. NEEDHAM: He is not a disreputable one.

THE SPEAKER: Order!

THE PREMIER: No member of this House made any such criticism, and I feel it my duty, on behalf of members of

our party in this House, to let it be clearly understood that members of the State Legislature have at all times refrained from taking any action or saying any word that might make the duties of any of our Judges more difficult than they are under ordinary conditions. In regard to the general debate on this Bill I do not feel it necessary for me at the present juncture to say more than that I trust the measure will pass its second reading and be allowed to go into Committee to-day.

MR. H. GREGORY (Menzies): I wish to say but few words on this Bill. I am pleased to think there will be a possibility of the Government accepting this amendment. We have the assurance from the Premier that he will accept it. We have not only to consider the Judges in this matter, but the great interests involved. We know there are cases cited from as far back as Norseman, Peak Hill, Menzies, and the country farther north; and the people interested, not only working men but mine managers, have to come to Perth to give evidence, unless the Government see the necessity of compelling a Judge to travel through those districts to take evidence.

THE MINISTER FOR LABOUR: They are nearly all down in Perth.

MR. GREGORY: I do not think so. They should not be compelled to come down; but a Judge should be compelled to go to their districts. It is really too harsh to think that the Judge should not be compelled to attend in these districts and obviate the great expense and difficulty of mining men sending proper representatives down to Perth, or of mine managers having to come down these distances. These cases are all cited for the one day, and there is a possibility of mine managers and workmen being compelled to stay down in Perth one or two months through the Government being so weak that they will not compel a Judge to go to the districts. I hope the Bill will be amended so that another Judge can be sent out and cases be heard in the districts where disputes arise.

MR. A. J. WILSON (Forrest): I am bound to confess, since the Premier has spoken on this measure, that there seems to be no utility in passing it. I am certainly of opinion that we have all the powers provided by this amending measure if the amendment of the member for Guildford be accepted. I do not know whether the Minister for Justice has discovered in the Arbitration Act or not that there is power to appoint an acting president under certain circumstances. I have certainly been of that opinion, and I know that a Judge of the Supreme Court in this State was for some time acting president of the Arbitration Court. Certainly he could not sit at the same time as the president—that would have been impossible. There is, at the present, sufficient power under the statutes of the State for the Government to appoint an acting Judge to sit at Kalgoorlie. That power exists.

THE MINISTER FOR JUSTICE: It does not.

MR. A. J. WILSON: Before passing this legislation we should have something definite as to what the position is, for it is not necessary to duplicate powers which exist under the present law.

THE MINISTER FOR LABOUR (in reply as mover): In regard to the Act as it stands, in the event of the illness or absence of the president at any time, the Governor may nominate a Judge of the Supreme Court to act as president of the Arbitration Court during such illness or absence. At present the illness of the president will not prevent him from doing his duty.

MR. J. L. NANSON: Are not his duties to travel?

THE MINISTER: His duties are not to travel. The Act states that the sitting of the court shall be held at such times and places as may be fixed by the president. It is within the power of the president of the court to fix the time and place of the sittings, and Mr. Justice Burnside, during the time he was able to travel, went from one end of the country to the other hearing cases; but at present he is only able to hear cases in Perth, and he has informed me that he is far better in health when at work.

MR. NANSON: Then why not travel?

THE MINISTER: He cannot travel owing to an operation which he has undergone. He must not go away from his medical adviser at the present time.

MR. RASON: Then he is too ill to travel?

THE MINISTER: Yes, to travel. At the same time, Mr. Justice Burnside is

prepared to exercise the powers under the Act and hear every case in Perth. If the amendment is carried it will provide that although Mr. Justice Burnside is able to hear cases in Perth, a Judge may be appointed as deputy president to travel about the State and sit in different places to hear cases. That will get over the difficulty. We have had a great deal of discussion on this Bill, and when the matter was first brought before the House it was marvellous how the opinion was so unanimous that a Commissioner should be appointed to perform the Arbitration Court work. We had the member for Menzies speaking fairly strongly in favour of a Commissioner being appointed, and the member for Guildford also spoke about a Commissioner being appointed. He strongly advised, or suggested, that the Government should appoint another Judge or Commissioner to do the work. The member for Sussex also spoke strongly in favour of the appointment of a Commissioner. Afterwards we had the member for South Fremantle speaking strongly in favour of the proposal. But as soon as the idea is put forth that a certain thing should not be done, instead of members of the House doing what they should do, that is preventing any farther glut in the Arbitration Court work and seeing that disputes are settled as soon as possible, we find members doing all they can to wilfully delay the work of the court.

Mr. Rason: Is the hon. member in order in saying that members on this side wilfully delay the work?

The MINISTER: I am speaking of facts. In almost the whole of the cases which have been cited before the court, the parties are at present in Perth. They have been brought from Norseman and from Kanowna and other distant places. The member for West Perth mentioned that cases had been cited before the court twelve months ago. I was the person who cited those cases, and I cited them last September. I contested cases before Mr. Justice Burnside and Mr. Justice Parker. I may say that Mr. Justice Parker was in Coolgardie last June hearing cases, and other cases were cited after that. It was impossible for Mr. Justice Parker to travel to the goldfields after the citation of the cases by me, and those cases were cited in September. At that time Mr. Justice Burnside was away in the old country under medical advice. I think the Chief Justice had just left the State; at any rate, I think it was the Christmas vacation, when there are three months' holidays. All the Judges were absent, and before Mr. Justice Parker could travel to the goldfields to hear the cases and catch up his work in Perth, the vacation closed.

Mr. Moran: What happened to the case this morning?

The MINISTER: Owing to the fact that the case could not be settled by the court in the district, it was found impossible for the men to get a living at those places. There is such a thing as men who are officers of unions being cut out from their jobs and forced to go to other parts of the country to get work. We want to prevent that.

Mr. Hopkins: Has the case lapsed?

The MINISTER: I do not know. I am not in a position to say. Mr. Justice Parker found it impossible to go to the goldfields during last summer, and shortly afterwards Mr. Justice Burnside returned to the country, and immediately Mr. Justice Parker's commission as acting president of the court ceased. In view of these facts, when members wish to speak on these matters they had better be more fully informed in future.

Mr. Moran: You say that these men left because they could not get work?

The MINISTER: Officers of unions are dismissed from jobs and are forced to go to other parts of the country to get work. It is totally impossible, in some cases, for unions to keep their officers together so as to call meetings of unions. When the member for Claremont was speaking he made the remark that after three or four cases had been heard in the Arbitration Court, the other cases would be settled. That is not so, and however much we may value the legal opinion of the member for Claremont, in regard to arbitration cases there are members in this House who know quite as much as the member for Claremont does. Every case brought before the Arbitration Court has a bearing of its own. There is no case in the Arbitration Court which will settle 20 other cases. The Government have done all they can to bring forward this measure to cope with the glut, so as to satisfy both sides. We have asked members of the House to

help us settle industrial troubles in Western Australia, and I hope the measure will be passed in such a manner that it will cope with the glut which exists at the present time.

MR. HOPKINS: You will see that the Judge travels in future?

THE MINISTER: I say it is unfair that parties in distant places should have to come to Perth to have their cases tried.

MR. NANSON: Why did you not change the president of the court?

THE MINISTER: I have explained twice already in this House that it is impossible, under the present Arbitration Act, to displace the president.

MR. NANSON: He said he was willing to resign.

THE MINISTER: I have already disputed that in this Chamber. I say that Mr. Justice Burnside never expressed the wish.

MR. NANSON: No; but he was willing to resign.

THE MINISTER: On the contrary, the Premier has stated to-day that Mr. Justice Burnside was willing and had the ability to remain as president.

MR. C. H. RASON (Guildford): May I be allowed a few words by way of explanation. The other day in debating a Bill, the Minister for Justice accused me of having advocated the appointment of a Commissioner of the Arbitration Court.

THE MINISTER: That is true.

MR. RASON: I denied that statement. I told the hon. member to refer to *Hansard*, and I also denied that I corrected *Hansard*. I never correct *Hansard*. I am satisfied with the reports which *Hansard* and the Press give me. I will repeat to-day what I said then, if I am allowed. I said:

> If I may make a suggestion to the Minister in charge, I say that in my humble opinion he would act wisely if he withdrew the Bill for the present, with a view to amending it in the direction indicated from every part of this House—amending it so as to appoint either another Judge or a Commissioner.

That is the only time I have mentioned a word about a Judge or a Commissioner. It is not my fault if the Minister cannot distinguish between a Commissioner of the Supreme Court and a Commissioner of the Arbitration Court. It had been indicated by every portion of the House that we were willing to assist the Government to appoint another Judge, or if necessary another Commissioner of the Supreme Court, so that another Judge might be available to do the work of the Arbitration Court. That is the view expressed by every part of the House, and that I indorsed. That is the return a member gets for endeavouring to assist the Government.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. BATH in the Chair; the MINISTER FOR RAILWAYS AND LABOUR (Hon. J. B. Holman) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of 1 and 2 Edw. VII., No. 21, s. 59:

MR. RASON moved an amendment—

> That all the words after "court," in line 12, page 1, down to and including "1880," in line 2, page 2, be struck out.

Those on the Opposition side of the House had been somewhat generous in regard to this matter—[THE MINISTER FOR JUSTICE: Oh!]—they tried to be. His object in moving this amendment was apparent. It had been clearly pointed out by the member for West Perth, and he thought a great majority of the Committee were agreed, that we must have a Judge of the Supreme Court to preside over the Arbitration Court. No Commissioner would meet the views of the Committee.

THE MINISTER FOR JUSTICE (Hon. R. Hastie): The delay caused in this House by some kind of arrangement being made meant, he believed, the loss of perhaps a couple of thousand pounds to people living outside the metropolitan area, besides a large amount of trouble and travelling. At the present time nearly all these people were in Perth from Menzies.

MR. RASON: Why did not the Government bring down a good Bill?

THE MINISTER FOR JUSTICE: If the best Bill imaginable had been brought down it would have been opposed by the hon. member. The Government had done everything possible to see that these Arbitration Court cases should be dealt with, not in Perth but in the neighbourhood of the places where the disputes

occurred. He hoped the Bill would be passed as it stood, and then, perhaps after two or three weeks, if a dispute occurred outside of Perth, a Judge, apart from the president of the Arbitration Court, might be able to travel to the vicinity where the dispute occurred.

Mr. MORAN asked for an official statement whether, if the Bill were amended as proposed, it would be legal for Mr. Justice Burnside to sit in Perth and for another Judge to sit at the same time in Western Australia.

The Premier: The two Judges could not sit simultaneously.

Mr. MORAN: One understood, therefore, that this Bill was to provide at present that somebody else should travel instead of Mr. Justice Burnside. Was that right?

The Premier: That was not the sum total. It was a portion.

Mr. MORAN: Was it the opinion of the Minister for Justice that we should get through the work of the Arbitration Court in a satisfactory way after passing this Bill?

The MINISTER FOR JUSTICE: One could not exactly explain all that would occur in the future. The object of the measure was to do away with the glut of business before the Arbitration Court. The great bulk of those cases were from the goldfields, from distant centres. They were all coming into Perth now in a very short time. In the next week or two all these would be cleared off, and we could not anticipate that there would be very many in the future. The Arbitration Court would meet in Perth and dispose of all the cases they conveniently could. A number of cases would be cited which it would be advisable to try in different parts of the goldfields. If the president of the Arbitration Court could not go, then another Judge could go, accompanied by two other members of the court; so two courts could not sit simultaneously. As to the cases heard on the goldfields, the only alteration would be the difference in the president.

Mr. H. BROWN: It appeared that members on the Opposition side would agree to appoint a Judge of the Supreme Court to travel. The Government seemed to have great solicitude for Mr. Justice Burnside. We were told that Mr. Justice Burnside was eager and willing to work. We had not heard any arguments that the Judges at present appointed had too much work to do. Apparently it would be far easier to allow Mr. Justice Burnside to work even in the Civil Courts and appoint a new President of the Arbitration Court altogether. Mr. Justice Parker had filled that position in the past and probably would be able to fill it again. We had also Mr. Justice McMillan, and had heard no faults found with him in reference to his judgments. Mr. Justice McMillan would probably be delighted to take a trip to those parts of the country.

Mr. A. J. Wilson: It was said that Judge McMillan was adverse to taking arbitration matters on account of his short local experience.

Mr. H. BROWN: Judges were supposed to do what was required of them, and no one could say that Judge McMillan was unfitted to take charge of the Arbitration Court. During the last few months, unfair criticisms against the Judges of the Supreme Court had appeared in the newspapers from members of the political Labour party. One of chief members of that party, Mr. Fabre, referred in most scandalous terms to a decision of Mr. Justice Parker, alleging that because the Judge might sometimes employ a waiter he would be influenced in giving his award in regard to waiters' wages. It would be better to have a Judge, and both parties would take equal risks.

Mr. KEYSER: A Supreme Court Judge should preside over the Arbitration Court, and industrial disputes should be settled where they arose. Was Mr. Justice Burnside fit to travel to the districts to settle disputes? It was urged that he was not. In that case another Judge should take his place.

Mr. Nanson: That would be the simpler method.

Mr. KEYSER: It should be pointed out to Mr. Justice Burnside that grave injustice might be done if he did not resign. Mr. Justice Burnside could take up the duties of either Mr. Justice Parker or Mr. Justice McMillan. A Supreme Court Judge was to be preferred as president of the Arbitration Court; and as the circumstances did not prohibit a

Supreme Court Judge from occupying the position, he opposed the clause.

MR. MORAN: While willing to support any farther legislation necessary to deal with the subject efficiently and well, he did not wish the Government to say later on that they had brought down measures to do so which were blocked. It would be an unfair and ungenerous accusation. To pass the present Bill as submitted to the House would strike a blow at the aloofness of the Supreme Court. If it were necessary to have power to appoint two Arbitration Courts, he was prepared to give that power; but it should not be said Parliament was not willing to deal promptly with all these cases. If there was sufficient work to keep another Judge travelling permanently in the districts on arbitration work only, he would support a step to appoint another Judge.

MR. NANSON supported the amendment. It prevented the appointment of a Commissioner, but the Government would have acted more wisely, and would have expedited the business of the Arbitration Court, if they had taken the simple and obvious course of availing themselves of the offer made by Mr. Justice Burnside in open court to resign his position, for then they could have appointed another Judge in his place. The member for Sussex had pointed out that Mr. Justice Burnside said in open court he was willing to resign his position. That was not contradicted. The Minister for Justice said he had no cognisance of the statement being made; but statements were sometimes made unofficially; and when such a statement was made in open court the least the Minister for Justice might do was to approach Mr. Justice Burnside and ascertain whether the learned Judge had any objection to resigning as president of the Arbitration Court and taking the ordinary position of a Supreme Court Judge. Had the Minister done so, Mr. Justice Burnside's reply would have been that he had the greatest pleasure in the world in falling in with the wishes of the Government and surrendering the work of the Arbitration Court to another Judge. It seemed strange that, after all this alleged anxiety on the part of the Government to expedite the business of the Arbitration Court so as to prevent litigants being brought all the way down to Perth, they did not avail themselves of the simple and obvious course. The Minister for Justice could not say the matter was not brought under his notice. The fact that Mr. Justice Burnside was willing to resign was mentioned, not once by the member for Sussex, but twice, and was also mentioned by other hon. members in the course of debate. The member for Guildford referred to it; and the member for Sussex explained exactly what the Judge said.

THE MINISTER FOR LABOUR: What other members?

MR. NANSON: If hon. members would look at *Hansard* they could see for themselves. The matter came up several times.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): The statement was made by one member, who repeated it.

MR. NANSON: The matter was now referred to because of the ungenerous way in which the Minister for Justice accused members of having delayed the business of the Arbitration Court. If anyone was to be blamed it was the Government, who brought in one ineffective Bill, and not having been rendered wise by experience, brought in another equally ineffective. It was only because of the suggestion of the member for Guildford that the Bill was now brought into something like a workable shape, though it still left an element of doubt as to whether the clause as amended would give complete satisfaction, the member for West Perth having been unable to obtain from the Minister for Justice any distinct statement as to what method would be followed once the Bill was passed, should it ever be passed. So far as one could gather any definite legal information from the Minister for Justice, he (Mr. Nanson) understood that Mr. Justice Burnside would take such cases as were to be heard in Perth, and that the Government would take the necessary steps to arrange that some other Judge should take cases to be heard on the goldfields or in any other part of the State. When one Judge was away on the goldfields the two assessors would have to go with him, so that it would be impossible for two courts to sit at the same time. It would be a much simpler course if the Government were ready to avail themselves of the willingness of Mr. Justice Burnside to hand

over the work of the court to another Judge, and appoint another president who could travel. It was perilously like quibbling to say the Judge was able to fulfil the qualifications laid down in the principal Act when his condition of health was so bad that, although he could stay in Perth, he was unable to stay on the goldfields. While anxious to give every possible respect to the opinions of the Minister for Justice, still he (Mr. Nanson) felt a certain amount of doubt as to whether it was not perfectly within the power of the Government to appoint a deputy president. We could not overcome the fact that the present president of the court was not sufficiently well to carry out the functions of the court as contemplated in the original Act.

MR. J. SCADDAN regretted that the Premier was prepared to accept the amendment. It was claimed that a fresh Judge should be appointed to the Supreme Court because there was so much litigation in the Supreme Court alone that no Judge would have time to travel through the State. Therefore a Commissioner should be appointed. No one raised any complaints against the judgments given by Mr. Commissioner Roe. The member for Perth said a Commissioner might be biased, or might be led one way or the other.

MR. H. BROWN: A Commissioner would be liable to be removed if his judgment did not possibly suit some of the parties before the court.

MR. SCADDAN: The member for Perth also said that a Commissioner would be liable to be led in one way or the other, where a Judge would not.

MR. H. BROWN denied that.

MR. SCADDAN: Members seemed to lose sight of the fact that the court consisted of three persons, the Judge only being one person. The Bill should stand as printed, so that a Commissioner could be appointed from time to time to travel to where disputes arose, because cases in outlying districts could not be properly judged from Perth. It was recognised by members that there was a glut of cases for hearing in the Arbitration Court, and it would not expedite matters to appoint another Judge to preside over that court because the Judges of the Supreme Court were fully occupied, and the Christmas vacation was approaching. Many unions on the goldfields and many employers had to bring witnesses to Perth in connection with cases which had been gazetted for hearing in Perth, and there were now probably 60 or more witnesses in Perth who might have to remain here two or three months. He blamed the Government for accepting the amendment of the leader of the Opposition.

THE MINISTER FOR WORKS: Two or three points raised in the discussion might be cleared up. The Government were influenced in bringing in the first Bill on this question by the fact that a number of cases arising on the goldfields were cited all at once for hearing in the Arbitration Court. Members of the present Ministry in a previous period did all they could to prevent cases going to arbitration, as was well known. Some of those cases were heard on the goldfields, and they settled the disputes for about 18 months. Immediately after a conference between the men and the employers concerned in those disputes, some of the employers, legally or otherwise, reduced the wages, and did it to such extent that in some cases the amount was reduced to £1 a week less than was previously fixed by the court.

THE CHAIRMAN: This was apart from the subject matter of the clause.

THE MINISTER: Indulgence should be allowed him in the circumstance, to explain why an amending Bill was brought before the House. What largely concerned the Government was that something must be done or strikes might ensue. In fact men did go out on strike upon the goldfields, but through the efforts made by the Minister for Labour and himself with others, those men were induced to work, which they did under protest, although they were receiving in some cases £1 per week less than before. The Government recognised that these men were not likely to continue working long under these conditions; so the amending Bill was thought to be the best method of getting over the difficulty for hearing cases speedily. However, through the delay in dealing with that first Bill in this House, the president of the Arbitration Court decided that he was fit to hear all the cases, and consequently a *Gazette* notice was issued under power given to the president by

Section 72 of the Act for hearing any cases in Perth. This being the position now, the necessity for appointing an acting president was removed for the present.

MR. NANSON: The Government could cause a fresh *Gazette* notice to be issued.

THE MINISTER: The Premier had informed members that, in a conversation he had with Mr. Justice Burnside, the president assured him that he was able to deal with all the cases and that he would deal with them in Perth. The Government were at the time endeavouring to make provision for the cases to be heard on the goldfields; but while they were trying to do so, the *Gazette* notice appeared stating that the cases would be heard in Perth. The glut that existed in the court was being gradually reduced by hearing cases in Perth; therefore it would be utterly useless now to appoint an acting president because all the parties concerned in those cases had made their arrangements for the hearing in Perth. There were 60 to 100 witnesses in Perth now ready to proceed with cases which were to be heard as gazetted. The desire of the Government was to pass the present Bill, because they realised that possibly there would be a number of other cases arising on the goldfields. In deciding a few cases outside of Kalgoorlie, such decision would practically settle the industrial conditions applying to all such cases; but in a centre like Kalgoorlie there were dozens of other unions that might appeal to the court in the near future, and if they did so that difficulty could be met by appointing an acting president. He thought this course would be a good one, because the president of a Circuit Court sitting in Kalgoorlie at regular periods could dispose of the Supreme Court cases, and then he could sit with two assessors to dispose also of cases under the Arbitration Act. The president of the court could be in Perth to deal with cases at other times, and a deputy president could take cases on the goldfields as well as disposing of ordinary cases coming before the Supreme Court there. It should be distinctly understood by members that Mr. Justice Burnside had not expressed a desire to resign his position as president of the Arbitration Court; that whatever he might have said to other persons, such as the member for Sussex, Mr. Justice Burnside did not make any such statement to those who had the power of relieving him from his duties. On the contrary, he told the Premier that he had no desire to be relieved of his duties as president of the Arbitation Court, and that he felt competent to deal with the cases then pending. Mr. Justice Burnside consequently caused the *Gazette* notice to appear stating that the cases there notified were to be heard in Perth. Mr. Justice Burnside had not approached the Government, and had not expressed a desire to retire from the position.

MR. CONNOR: Who was responsible for the introduction of the Bill?

THE MINISTER: The Government introduced the Bill because they believe that those men who were working on the goldfields at a reduced rate of wages would not long continue to do so, and that trouble would arise unless action were taken to meet it. However, the difficulty was being overcome by the cases being heard in Perth; and although they would cost thousands of pounds to the unions and the employers, still arrangement had been made by the parties concerned for hearing those cases, and we could not now undo that. This amending Bill would enable a deputy president to take cases in the future out of Perth whenever they arose.

MR. NANSON joined issue with the Minister, and denied that this clause would overcome the difficulties. We had not been told that the president did not wish to resign the presidency of the Arbitration Court.

THE MINISTER FOR WORKS: If he was not fit to do the work of the Arbitration Court, why did the late Government allow him to resume his position on returning from London?

MR. NANSON: We found now that Mr. Justice Burnside was not prepared to travel, and would not go to the goldfields to hear arbitration cases, but expected the litigants on the fields to come to Perth to have their cases heard here. Immediately this position became known, the Government should have taken action. We had been told that Mr. Justice Burnside did not desire to resign; but what we had not been told was whether he had refused to resign. Instead of bringing in this clumsy clause,

even though amended as it was, the duty of the Government was to point out to the president the inexpediency of having two Judges sitting in the Arbitration Court to do work that could well be done by one Judge. He (Mr. Nanson) would not object to have two Judges for this court if the rush of cases was so great that it would be necessary to have two separate courts, one sitting in Perth with two assessors, and one sitting on the goldfields with two other assessors. Then it could be said that the arbitration cases might be got through at double the rate as compared with the present time. The expedient in the clause would not hasten the work of the court, because when Judge Burnside was sitting the other Judge chosen to travel could not sit, as he would be denied the presence of the two assessors. Similarly, when the Judge on the goldfields sat, Judge Burnside would be unable to sit because he would be denied the presence of the assessors. The Bill could not be said to help anyone but Mr. Justice Burnside; and it was doubtful whether he was as anxious as the Government alleged to retain his position. If the Government could show that the Judge had refused to relinquish his position as president after hearing all the facts, the clause might be justified; but it was the manifest duty of the Government first to ascertain whether Judge Burnside would not give way to another Judge, and so let the work of the court be conducted in the most expeditious manner possible.

Mr. J. M. HOPKINS: The first Bill introduced by the Government was so unsatisfactory to members on all sides that it was ignobly withdrawn and a fresh Bill substituted. The Government, practically accepting the recommendation of the Opposition, proposed to eliminate the essence of this second Bill in favour of an amendment by the leader of the Opposition. He (Mr. Hopkins) in speaking of the Arbitration Court always endeavoured to avoid party politics; and the introduction of party feeling in this debate by Government members was regrettable. If the Government were now to beat a retreat, the bumptious utterances of the Minister for Justice (Hon. R. Hastie) would not aid them.

The CHAIRMAN: The hon. member must withdraw that expression.

Mr. HOPKINS withdrew the word, and substituted what a Ministerial supporter had described as the "characteristic" utterances of the Minister. Subclause 3 of Clause 2 provided that the Governor might from time to time at the request of the president appoint a Judge of the Supreme Court; and eliminating the Government proposals, and following the proposal of the member for Guildford adopted by the Government, the clause would read, "may appoint a Judge of the Supreme Court as deputy president; and the said deputy in respect of such matter or proceeding shall have all the rights, powers, jurisdictions, and privileges of the president under this Act." If the Minister for Works (Hon. W. D. Johnson) was correctly interpreted, one of the special privileges of the president appeared to be, not to try cases in districts from which the cases were cited, and where the men were working, so as to ascertain by his own observation the difficulties with which the men had to contend, and thus to avoid expense to the country and to litigants. It was the special prerogative of the president to compel the parties and their witnesses to come to Perth, on the ground that the president was ill. Surely that position was most unsatisfactory. The more one considered the proposal, the more difficult it was to follow the arguments of Government members. The Minister for Justice said much about the three months' vacation which all the Judges were to enjoy. One Judge had been absent practically for a year, another for a shorter period, and now it was contemplated that the three Judges would be absent for three months; this to be a paramount consideration as against the requirements of the country and the expense to litigants! The Government could appoint a deputy president in case of the president's illness. Had they done that, and simply asked the House for power to insist on cases being heard locally, the present trouble would have been obviated. The whole difficulty arose from maladministration.

Mr. M. F. TROY regretted that the Government accepted the amendment. A Commissioner could have satisfactorily presided over the court. The previous speaker charged the Government with maladministration in respect of the cases

pending; but these cases had been hanging over for 12 months past, and during part of this period the James Government were in power, and to the James Government part of the maladministration must therefore be due. The Kurrawang Workers' Union had a case pending for 12 months past; their officers had been sacked; and the case could not be heard. There were dozens of similar cases.

MR. GREGORY: Was not the Arbitration Court on the fields during the last 12 months?

MR. TROY: No; and if the hon. member had displayed consideration for the workers, the court would have sat on the fields during that period. The majority of goldfields workers had to accept a reduced wage for the past three months, and the James Government took no action to prevent this. The present Ministry were doing their best to have those cases heard, and to restore industrial peace in face of the hostility of the Opposition. Many laymen in the State would, if appointed, fill as well as any Judge the position of president of the Arbitration Court, and would know more of the conditions of life in the State than any Judge knew; nor did it appear that the Act contained legal technicalities which a lawyer was needed to interpret. As president, a man with common sense was needed; who, being unbiased and knowing local conditions, could give a fair verdict.

MR. MORAN: Should the president be permanent?

MR. TROY: Yes. There was no apparent reason why Mr. Justice Burnside should be president; but why had the Opposition so strong a wish to get rid of him? This desire had been apparent since the introduction of the Bill. The learned Judge assured the Minister for Justice that he would like to continue as president; yet the Opposition still held that he ought to be removed. Some 50 or 60 goldfields witnesses, whose cases would be heard within a few weeks, were now in Perth.

MR. MORAN: If the Government had appointed a Judge four weeks ago, these witnesses would not now be in Perth.

MR. TROY: And if the Opposition when in power had appointed someone, the cases would have been heard months ago.

MR. HOPKINS: The congestion must continue unless the amendment of the member for Menzies (Mr. Gregory) were adopted.

MR. TROY: That amendment he would support.

MR. HOPKINS: That was all that was needed in the first place.

MR. TROY: Then the framers of the Bill should have seen to that in the first place.

MR. GREGORY: It was a Government Bill.

MR. TROY: The late Government should have made the provision. The acceptance by the Government of the member for Guildford's amendment was regrettable. If the Government were defeated, they ought at least to go down with flying colours. The clause as drafted would have just as good effect as if amended as desired; and Ministerialists—the people who had most to do with the Arbitration Court—were best able to judge.

MR. H. GREGORY: Arbitration Bill No. 1 was brought in on the 15th September; and now we had reached the Committee stage of No. 2 Bill. How then could the Government complain of obstruction? It was in vain for the Government to say they could not make one step forward in three weeks, instead of pursuing their usual mark-time policy. It was no use to blame the previous Government. No member of the last Parliament complained that Arbitration Court business on the fields was being unnecessarily delayed. There seemed to have been some trouble as to the Kurrawang union, which lodged a plaint some time ago, and the case was to have come on to-day, but it failed. Perhaps the member for Mt. Magnet could tell members where the secretary of that union was. He believed there had been many inquiries for the secretary of the Kurrawang union. [MEMBER: What was suggested?] The secretary had not appeared to look after the interests of his union, and as a consequence the case went by default. On the Notice Paper was an amendment tabled by himself, and if any argument could be advanced in favour of that amendment, it was the speech of the Minister for Labour, who said that the

Government had power to determine where cases should be heard. The one great desire of the Government was to confirm the position of Mr. Justice Burnside as president of the court. The Government had it shown clearly to them that the president of the court could compel litigants to come to Perth, and they had brought forward this Bill, which did not provide against such a thing occurring in the future.

Mr. NELSON: The Opposition were delighted with the Bill; but it was the straw to which the proverbial drowning man clung. The member for Boulder had said the root of all the mischief was the maladministration of the Government, which explained clearly the action of members of the Opposition. The Bill was brought forward in a non-party spirit to deal with a difficulty that had suddenly arisen, and many members of the Opposition recognised that just as much as members on the Government side did. When the first Bill was introduced, no greater proof could have been advanced as to the non-party spirit with which the measure was treated than by members on the Government and Opposition sides objecting to the Bill because on the whole it was not exactly the best way of meeting the difficulty.

Mr. Rason: What did the hon. member want?

Mr. NELSON: A better way of meeting the difficulty. One proof that the Bill was not conceived in a party spirit was that members on the Government side as well as on the Opposition side agreed the first Bill did not meet the case, and the Government withdrew it. When the second Bill was brought forward, the Government again proving that they were not actuated by a narrow spirit accepted the amendment of the leader of the Opposition, with which members on the Government side agreed; but not content with that, the Opposition now sought to make party capital out of the whole thing by the cry of maladministration. Some members placed the interests of party above the interests of the country. It was amusing to hear the member for Boulder refer to the Minister for Justice as being an exceedingly pompous individual.

The CHAIRMAN: The hon. member had withdrawn the expression.

Mr. NELSON: Yes, the hon. member withdrew it, but he made another remark which appeared to make things worse. In spite of the fact that he (Mr. Nelson) highly esteemed the Minister for Justice, he almost believed the charge hurled against him by the member for Boulder, because if there was anyone in the House who should be an authority on bumptiousness from his long experience, it was the member for Boulder.

Mr. HOPKINS: The first speaker in the second-reading debate on the first Bill to amend the Act, who urged that the matter should not be considered in a party spirit, was himself; and the next member who endorsed that remark was the member for Albany (Mr. Keyser), followed by the member for Hannans (Mr. Nelson).

Mr. RASON: The tone of the debate was to be regretted. Although the Opposition indicated an amendment which it was thought would meet the desire of the Committee, and although the Government agreed to accept the amendment, yet member after member regretted the course which had been taken, and accused the Opposition side of obstructing the Bill and doing everything they could to delay the measure, accusing the Opposition of being responsible for the loss of £2,000 that would be incurred. Was that the way to treat an amendment that came from the Opposition? The member for West Perth had put the views of a good many members on both sides of the House before the Committee at an early stage of the sitting. Let those members who took such strong exception to the first Bill remember that the present measure as it stood was merely a reproduction of the first Bill. The first measure took away a Judge as president of the Arbitration Court, and provided that other persons should do the work of the court. Members objected, and stated that what was wanted was a Judge of the Supreme Court as president of the Arbitration Court. The present Bill did not provide for anything of the kind. If members were sincere when the first Bill was being debated, they ought to be sincere on the present Bill.

Mr. FRANK WILSON: Why should there be so much feeling in discussing

this measure, when an amendment had been proposed by the Opposition and accepted by the Government? Let members get to a division and arrive at a satisfactory conclusion. No member of the House had a greater respect for Mr. Justice Burnside than himself, and any remarks made during the debates in reference to that gentleman had been made out of sympathy with him. He (Mr. Wilson) had said distinctly to Mr. Justice Burnside that he would be perfectly justified in refusing to travel in his present state of health. The Judge was not fit to travel, and he was not fit to carry on the arduous work of the court in Perth. The Government would do well to act in accordance with the wishes of a majority of members, and grant Mr. Justice Burnside farther leave of absence, so that he could totally recover his health, if that were possible. All courts of law were established for the convenience of the people, and if it was convenient to the people interested in the cases coming before the Arbitration Court to have the cases heard in the several centres where they arose, we should see that such facilities were granted to the people. The illness of a Judge should not interfere with the convenience of the people as a whole. It was stated by the Minister for Works, in very heated tones, that the difficulty had been overcome, the list having been published, and that the cases would be heard, according to the Judge's decision, in Perth. One would like to say, as having some knowledge of the Arbitration Court, that the difficulty was only beginning. It was true that a list was published and that five or six cases had been listed to be heard to-day, and that some 22 cases had been listed to be heard on Thursday next in the Arbitration Court. Who with a grain of common sense would expect the five cases listed for to-day to be heard before Thursday, or the 22 cases listed for Thursday to be heard even this year? There were from 50 to 100 witnesses in Perth waiting on the Arbitration Court. Next week we might have 200 cases. He knew many people would arrive from Norseman and wait until their cases were called. Where was it going to end? Many of the cases were only paltry and trivial ones, yet the people of this country were to be put to enormous expense, which would creep into tens of thousands of pounds before the thing was over. People were waiting and hanging about Perth to get a settlement by the Arbitration Court. Not only had we out-of-pocket expenses of witnesses, but we had the stoppage of work in centres from which these people came. We had the managers of mines, sub-managers, accountants, and workmen. This state of things ought to be rectified forthwith. How were we going to overcome the difficulty? Mr. Justice Burnside said, and very properly so, that he could not travel. Doubtless he was willing to travel if he could. He (Mr. Wilson) thought it was Mr. Justice Burnside's patriotism that prompted him to say he had offered to resign. He said that in open court.

MR. MORAN: That had been disputed.

MR. FRANK WILSON: It was, he repeated, stated in open court. There were other persons in the court who heard it, one being the member for Mt. Magnet (Mr. Troy). Presumably the position was that a Judge, although perhaps not wishful to resign, saw the trouble and difficulty in which the industries of this country were placed, and he offered to resign. The Government did not wish him to resign. [Interjection by the MINISTER FOR WORKS.] If the Government wished him to resign, it was their duty to go to him and say "We are sorry you cannot travel and take these cases in the centres where it is the wish of both parties that the cases should be heard; will you kindly resign, if necessary?" Were that done, Mr. Justice Burnside would be the first man to say "Yes; certainly. Here is my resignation. Appoint another Judge." If there were any objection to that procedure, of course the Government, without consulting anyone, could appoint a deputy under the present Act; and they certainly could do so under the present Bill if the amendment by the leader of the Opposition which he understood the Ministry had offered to accept were passed. If the Government were remiss, they would deserve the censure of the House.

THE MINISTER FOR LABOUR: In the first place every possible effort was made to devise the best means of settling the industrial difficulty which had visited us. That was a little over a month ago.

He made every inquiry from the president of the Court, also from the Acting Chief Justice, to get their opinions on the matter. It was absolutely impossible to appoint another Judge to tour the country as president of the Arbitration Court during the last six weeks or so. In the first place Mr. Justice Burnside was unwell and could not travel, but was able to do work in Perth. At that time Mr. Justice Parker was the Acting Chief Justice and also Deputy Governor, and it was impossible for him to leave these duties and go away from Perth to hear those cases.

Mr. Moran: We had always heard, since responsible government, that the Judges could not go out of Perth.

The Minister: Mr. Justice McMillan was, for reasons which one need not go into, unable to leave Perth. Having made inquiry, one found that what the Government tried to do at present was the best means of settling the difficulty staring us in the face. The whole of the witnesses in a great many cases were in Perth at present. We ought to pass the measure now because it would bring us into uniformity with the New South Wales Act. The president of the court was well enough to fulfil his duties under the Arbitration Act, and it was impossible for us to remove him from that position unless he chose. Members on the Opposition side of the House were doing all they possibly could to remove a just and honourable man from the position he now held. [Dissent indicated by several members.]

Mr. A. J. WILSON: If the clause were amended as suggested it would still be at the discretion of the same president to insist that all these cases must be heard in Perth, and say whether or not somebody else should be appointed. [Mr. Rason: Let the hon. member look at the next amendment.] To effect what the Government were so anxious to bring about they should accept the amendment of the member for Menzies. We ought to provide for the appointment of a Commissioner, not for the purpose of taking up the Supreme Court work and thus enabling a Judge of the Supreme Court to attend to arbitration work outside the city of Perth, but for the purpose of enabling that Commissioner to sit on the Arbitration Court bench and deal with Arbitration Court work. It was not absolutely essential that we should have a Judge of the Supreme Court arguing these points. It was desirable to have a man to adjudicate as umpire in these disputes who had a long association with industrial matters, and was able to look upon them from that particular standpoint, and not from the legal standpoint. [Member: He should not be removable.] Such appointment ought to be for three years like that of the other members of the court. A period of three years was an ample permanency in regard to matters of this nature. If that were done, the Arbitration Court would be put upon a sounder footing and more satisfaction would be given to all parties before the court.

Mr. F. E. WILSON: Being satisfied to accept the Bill as introduced by the Government, he did not intend to vote for the amendment by the leader of the Opposition. As to Arbitration Court business, we had a somewhat similar experience, though not so marked, last year. At the close of last year, three or four cases cited before the court were hung up for months because of the vacation, and the court only sat when members of the Labour party spoke about the matter during the election campaign. The Government should have taken the suggestion made by the Opposition when the last measure was before the House to appoint a Commissioner; but now the Government only desired to do what was practically in the Act already, to appoint an acting president. A Commissioner could get over the present glut of cases, which might not occur again for many years to come, and he could also take evidence right through the vacation, whereas a Judge would take a holiday and the work of the court would be hung up. Although there were several cases before the court last year, nothing was done by the then Government to appoint a Judge as acting-president. The Government should insist on the Bill, and should take the power to appoint a Commissioner. Under the wages board system in Victoria, legal gentlemen were generally appointed as chairmen of the boards. Similarly, the president of the Arbitration Court should be a gentleman qualified to take evidence from a legal standpoint, and the

Government could find such a gentleman in Western Australia to take the position of president temporarily and give satisfaction to both sides.

Amendment (Mr. Rason's, to strike out words) put and passed.

MR. RASON farther moved:

That the words "to act in respect of any matter or proceeding in the appointment," in lines 7 and 8, be struck out.

The clause would then read:—

The Governor may from time to time, at the request of the president, appoint a Judge of the Supreme Court as deputy president, and the said deputy shall, in respect of such matter or proceeding, have all rights, powers, jurisdictions, and priviliges of the president under this Act.

Farther amendment passed, and the clause as amended agreed to.

Clause 3—agreed to.

New clause—Court to hear dispute in district where dispute arises:

MR. GREGORY moved that the following be added:—

Subsection 1 of Section 72 of the principal Act is amended by adding a proviso as follows: "Provided that every industrial dispute shall, as far as practicable, be heard in the district in which the dispute arises, unless all the parties to the dispute otherwise consent."

Judges had taken the powers and privileges they held under the present Act to compel parties interested in cases to come to Perth, but by this clause a similar condition of things would not arise. It was really an instruction to the court that the cases must be heard in the districts where disputes arose. It was said, by way of compliment to the Opposition, that the Government clauses might be excepted and the Opposition clauses accepted; and the argument of the Minister for Works showed that the Government had not given full consideration to the Bill. The Ministers for Justice and Labour were culpable. Facts were brought before them that Judges had used their power to make people come down to Perth, and the Ministers had not insisted that the Judges should recognise that conveniences were to be taken to the people, as the courts were for the public. Next year the court might act in just the same way.

THE MINISTER FOR LABOUR: I was not intended to oppose the new clause in any way, because the Government considered the court should always go to the people; but the member for Menzies was unfair in stating that the Judges had used their power to compel witnesses to come to Perth. The power was only utilised in circumstances where it was impossible to act otherwise, as in the present circumstances. The member was not just to the president of the Arbitration Court. On every possible occasion when the presidents of the Arbitration Court were asked to go to the country in the past, they had done so without a murmur. Even Mr. Justice Moorhead, when he was so ill, promised to visit the Murchison; and Judge Parker travelled through the Eastern Goldfields, also Judge Burnside travelled from Cue to Leonora and all over the fields. It was only in this special case where Mr. Justice Burnside could not go away too far from medical attendance, that cases had been set down for hearing in Perth. The amendment was a good one, and would show clearly the desire of the House that cases must be heard where disputes took place.

MR. BUTCHER moved an amendment:—

That the words "as far as practicable" be struck out.

If the Government had brought about an amendment to Section 72 a month ago, there would have been no outcry at present, because if a Judge were unable to travel, another president would have been appointed in his stead.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. F. CONNOR: If the clause as amended were carried, it would settle the whole dispute. It would force the natural position that another Judge should be appointed. There was another aspect of this appointment which deserved consideration. Industrial disputes might arise in the far North, and there were other reasons why a Judge of the Supreme Court should visit those parts of the State. On a few occasions not very long ago laymen had been appointed as Commissioners of the Supreme Court, and had condemned men to death, although those Commissioners had no legal knowledge at all. Only within the last few days two human beings were sentenced by a layman to death, but they escaped from the gaol at Wyndham, and every-

one was glad of it. If another Judge were appointed as deputy president of the Court, that would not prevent him when cases could be heard in Perth from taking up the other duties of the Supreme Court, and where necessity demanded he should travel to the farthest parts of the State and dispense justice. In cases not very long ago justice had not been dispensed.

THE MINISTER FOR JUSTICE: If the proposed amendment were carried, instead of assisting the course of justice the amendment would be likely to much retard it. For instance, the amendment referred to distances: what were distances? The area over which the award prevailed was decided solely by the Arbitration Court. Sometimes it was a large area and sometimes a small one. Members seemed to assume that all parts of the country were like Perth, where people could come closely together and negotiate these things; but this was an immensely large country, and it was often to the interests of both parties, at any rate of one party, to come to a central spot. If that were outside the district or area, the court would have no discretion but to go into the area where the dispute happened. Suppose the same circumstances occurred on the Murchison as obtained less than two years ago. There was a dispute at Peak Hill, also one at Nannine, and another at Cue. It was found that it would not be very inconvenient for all the parties to meet at Cue in a central position to have their cases tried, and he had never heard that there was any protest at all. The member for Mount Magnet had suggested that the word "districts" did not mean localities but the industrial districts. Supposing we had a western industrial district which went from Geraldton to Peak Hill and Kimberley as well, if we took the exact wording of the amendment the court would be compelled to sit at Geraldton or Cue, and people would be brought from Kimberley, Pilbarra, and other parts. Some discretion must be placed in the hands of those who administered the Act. It was true it had not been altogether satisfactory; but we were not in a position to sketch out exactly how every case was going to occur in the future. As mentioned, while Judge Burnside was physically able, he visited almost every place he was asked to visit, and certainly visited all large centres. Give the president the same power as in the past. Members suggested that the court should visit Gascoyne, Kimberley, and Pilbarra; but there could be only one court, and if it had to travel too far, people in other parts of the State must wait many months for their cases to be heard. Pass the amendment of the member for Menzies; though to make it more accurate the word "locality" should be substituted for "district," thus clearly indicating the object.

MR. GREGORY: To comply with the request of the member for Gascoyne (Mr. Butcher) would make the Act too stringent. In drafting the amendment, the desire was to let the cases be heard in the districts.

MR. MORAN: Would not the appointment of another Judge have prevented all this trouble?

MR. GREGORY: True; but now we wished to prevent a recurrence of the trouble. The elimination of the words proposed might be dangerous.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): The words should not be struck out. In several cases both parties wished the disputes heard in Perth; these being disputes not as to wages, but as to interpretation of awards. To decide such matters, evidence was unnecessary; hence it would be useless to compel the court to visit the locality in each case.

MR. GREGORY: That would not happen, as the amendment read "unless all the parties to the dispute otherwise consent."

THE MINISTER FOR WORKS: True; but when friction arose between employer and employed, one party might vexatiously compel the court to travel. The Judge should decide as to the necessity for visiting the locality; and this discretion should be given the Judge rather than the Minister. When witnesses were needed, the court should go to the cases; but for the interpretation of an award, it was far cheaper for the cases to come to the court.

MR. HOPKINS: The proposal was: "Provided that every industrial dispute shall as far as practicable be heard in the district in which the dispute arises, unless

all the parties to the dispute otherwise consent." The president, if given power to choose, might for his own convenience decide that the case should be heard in Perth. Better word the amendment: "Provided that every industrial dispute shall as far as may be deemed practicable by the Minister." That would be acceptable to all; and if the Minister made mistakes, he would be answerable to the House.

THE MINISTER FOR WORKS: Better strike out "district" and insert "locality." The court had threshed out the difference between these words.

MR. HOPKINS moved to amend the amendment:

That the words "the Minister may deem" be inserted between the second word "as" and "practicable."

Deal later with the question of districts.

Amendment (Mr. Butcher's) withdrawn, and Mr. Hopkins's amendment substituted.

MR. P. LYNCH: What would become of the power vested in the president by the preceding portion of Section 72, to which the amendment was a proviso? In New South Wales it was ruled that when two contradictory provisions appeared in an Act, the first provision was the law.

THE MINISTER FOR LABOUR: The amendment would provide firstly that the president should have power to fix a time and place for the sitting of the court, and that in the event of the parties not being satisfied, they could apply to the Minister, he having power to determine whether the court should sit in a given place. The parent Act divided the State into four large industrial districts; and as "district" meant "industrial district," some difficulty might arise say in North Murchison, where each of eight or nine small centres had a union, and where all simultaneous cases might well be heard in one centre, thus saving expense. All parties might not agree to the place of hearing. Could the Minister then determine the place?

MR. MORAN: Certainly.

THE MINISTER FOR JUSTICE: This was a more serious departure from the parent Act than anything yet suggested. Thus far the president had power to determine the time and place of sitting. Till to-night, all members wished to leave everything to a Judge as president, rather than to a Commissioner subject to the Government. Now they abandoned their absolute confidence in the president, and would allow of an appeal to the Minister. Possibly the president would be better able to judge than the Minister. The Minister, if the dispute were in his district, would be in a ticklish position, and might not care to fix the place of hearing. If the Committee were sure they were justified in departing from the fundamental principle of the parent Act and of the Acts of other States, let them do so. The clause proposed by the member for Menzies was better. The president of the court would be in the best position to say where cases should be tried. We should not assume that the present difficulties would be permanent. In future most cases would be heard in the most convenient places.

MR. MORAN: It was not a trait in the nationality of the Minister to indulge in such persiflage. There was not the slightest power taken from the president nor was a tittle of the principle of arbitration taken away. It was simply a change of venue. We already directed Judges to travel to the country and hold Circuit Courts; and the present case was parallel. We simply asked the Minister to say where cases should be heard; and this had nothing to do with the principle of arbitration. The Minister should be careful before making assertions charging members with changing the whole principle of arbitration for a paltry amendment like this. We were trying to get over a difficulty, but were still dodging it. It was time to get over the cry that had lasted for eleven years, "Judges cannot leave Perth;" and we were now only arriving at a solution of the difficulty. We should place the burden of responsibility on the Minister. The present Minister for Labour would give entirely unbiased decisions. The proposal was to take the power out of the hands of the servants of the State and place it on the shoulders of the servants of Parliament—the Ministry. No doubt, in some cases the Minister's decisions would be cavilled at; but an executive action of any Government might give rise to cavilling.

MR. FOULKES: There was a great deal in the argument of the Minister for

Justice. The principle all through the Arbitration Act was the desire of the Legislature that the conduct of the court should be taken out of the hands of politicians, that being the main reason why a Judge of the Supreme Court was to preside over the Arbitration Court. To say that the decision of the Minister would be cavilled at only showed the danger. The Minister being liable to be criticised, would be amenable to political influence. The Attorney General never gave instructions to a Judge.

MR. MORAN: Not in regard to change of venue.

MR. FOULKES: Power was reserved to Judges of the Supreme Court to try cases at Kalgoorlie, but no Attorney General or Minister for Justice would ever dream of telling a Judge to hear a certain case between certain parties at Kalgoorlie. It was left entirely to the Judges and to the parties to decide where cases were to be heard. Under this amendment a politician was to decide where cases were to be heard; and we would run a danger by leaving the matter to the decision of the Minister.

MR. W. NELSON opposed the amendment. There was no analogy between the action of the House stating how Judges were to do their work and the action of the Minister in deciding that cases should be tried in certain places. The reason advanced for the amendment, that the Minister could be held responsible for his conduct, was precisely a reason why the amendment should not be carried. It would seriously injure the reputation of the Arbitration Court if anything done in connection with the court could be challenged in this House. The criticism made last month was only a stronger justification for opposing the amendment; but the proposed clause should be passed. In certain circumstances it might be desirable to have cases tried at one place rather than another; but the court should decide the point, and not a person who might be challenged in the House.

MR. HOPKINS: Was that not the trouble the House was confronted with?

MR. NELSON: Yes; but the amendment would accentuate the difficulty. The court should be above the carping criticism of any member in the House. We had the right to make laws which the Judges should administer; and having done that, we should give no Government—not even a Labour Government—the right to interfere directly or indirectly with the action of the court.

THE MINISTER FOR WORKS: It was not possible to accept the amendment. Section 72 distinctly provided that the sitting of the court should be held at such time and place as might be fixed by the president. We could not add a proviso that the Judge could do so subject to Ministerial sanction.

MR. HOPKINS: The Crown Solicitor approved of the amendment.

THE MINISTER FOR WORKS: The Crown Solicitor agreed to the proposed clause; but the member for Boulder was not supported by the Crown Solicitor. The Government accepted the proposed clause, but could not accept the amendment.

MR. HOPKINS: Had the Government intimated so previously, the amendment would not have been moved. It was only suggested in the first place.

THE MINISTER FOR WORKS: The hon. member should withdraw the amendment. Until lately the Judge had always travelled to the cases, and it would be a guide to the president that the opinion of the Legislature was that he should travel to where the cases had been cited. We should therefore insert the clause moved by the member for Menzies.

THE MINISTER FOR LABOUR: The reason the Government accepted the amendment of the member for Menzies was that it followed closely on the lines of the New South Wales Act. Our Act was similar to the New Zealand law, but the New South Wales Act providing for the jurisdiction and procedure of the court set out that the court should sit for the hearing and determination of any matter, as far as practicable at the place where the proceeding arose. Although the amendment was not in the same words as the provision in the New South Wales Act it had the same meaning, which was the reason the Government accepted it so readily. Previous to the last case before the court there was no difficulty in getting the Judge to travel to the various centres.

MR. MORAN: If the Judge could not travel, what was to be done then?

THE MINISTER: The amendment would give power to appoint another Judge of the Supreme Court.

MR. MORAN: Would that be done?

THE MINISTER: The Government would do all they could to facilitate the settlement of disputes with as little expense as possible to those engaged in the disputes.

MR. HOPKINS: And sit in the locality where the dispute arose.

THE MINISTER: As far as practicable. It would be hardly possible to send the court to places where there were no suitable buildings to hold the court in. The amendment, with the alteration of the word "locality" in place of the word "district," would be accepted. The Bill would then provide that cases should be heard, as far as practicable, in the locality where the dispute arose.

MR. BUTCHER: If the member for Boulder withdrew his amendment, could the amendment previously withdrawn be again moved?

THE CHAIRMAN: It would be necessary for the hon. member to move his amendment again if the member for Boulder's amendment were withdrawn.

MR. BUTCHER: In the interests of the North and outlying districts, and of all parties concerned in the dispute, the power of fixing the places where the court should sit should be taken absolutely out of the hands of the president. We had seen difficulties arise from that provision. The outlying districts in the North would suffer by the pernicious system of centralisation. He had hoped that with the advent of a Labour Government an endeavour would be made to allow outlying districts to have a fair share of the spoils, if he might use the term, and thus settle the whole question of bringing everything to the one centre in Perth. If a dispute arose at Marble Bar or on the Gascoyne, the witnesses should not be brought to Perth but the court should sit in the district.

MR. HOPKINS asked leave to withdraw his amendment.

MR. MORAN: The amendment of the member for Boulder got over the difficulty which had detained the House at some length on two occasions. Still there would be the one objection that the Minister at times would have to decide where a dispute should be heard, as the parties to it would want the case tried at different centres. That would not aim a blow at arbitration at all; it was a question of venue. In criminal cases the question of venue intervened frequently, and the Crown Law Department had the power to change the venue in criminal actions. Take a riot case, where the feeling in a district ran high it was necessary to change the venue, and all through the British dominions the same principle was enforced. Frequently in Ireland there was a change of venue for so-called agrarian crimes. The amendment of the member for Boulder achieved all that the member for Gascoyne wished; still the Minister would be liable to be cavilled at. The original amendment of the member for Gascoyne did not offer that objection, but made it obligatory on the court to hold the inquiry in the district where the dispute arose.

THE MINISTER FOR WORKS: There was so much friction in these cases that one side would take into its hands the power to have a change of venue.

MR. MORAN: The amendment of the member for Boulder gave wise discretion to the Minister, but that might be objected to. Taking the high stand of the member for Hannans, he (Mr. Moran) would suggest the advisability of considering the amendment of the member for Gascoyne. What would have happened had the amendment now proposed been law when the Government came into office? Mr. Justice Burnside would have had to fix the venue for the cases in the district in which the disputes arose; he would then have had to tell the Minister that he could not hear the case in the district, which would be tantamount to resigning. There was the objection which remained of defining the question of district and locality. Had the definition of "locality," which was not in the interpretation clause, been settled?

THE MINISTER FOR WORKS: A decision had been given by the acting president, Mr. Justice Parker, in reference to locality. We might, therefore, make use of the term, as it was thoroughly understood; there would be no clashing between the interpretation of "locality" and "district." The difficulty of getting an interpretation of "locality" was realised, and in order to get a definition

of the term he (the Minister) cited a case before the court. He pleaded one way and the Minister for Labour pleaded the other. A definition of "locality" as used in the Arbitration Act was given.

Mr. MORAN said he was always willing to accept the interpretation of Ministers, as they had to administer the Acts. He was bound to support the amendment of the member for Gascoyne, because matters of locality should not interfere with a decision. He had been an advocate of distribution, and not bringing parties to Perth on all occasions. He was a warm advocate of Circuit Courts and for justice being taken to people in different localities with the utmost celerity, so that we should no longer have cases tied up for twelve months, which was a disgrace to Western Australia and those responsible for the administration of the Act.

Mr. FOULKES reminded the Committee of the existence of Section 68 of the original Act, which said "a Court of jurisdiction for the settlement and determination of any industrial dispute under the Act." If we were to take the control of the Act from the hands of the Judge, it would be necessary to alter that clause and put in words "subject to the Minister for Justice" or the Attorney General. He had risen to reply to the argument of the member for West Perth, who had drawn a comparison between criminal cases and cases under the Arbitration Act. The member for West Perth had stated that the Crown Law Department had interfered in civil cases and given instructions as to where cases should be tried.

Mr. Moran: Criminal cases and libel cases.

Mr. FOULKES: It was just the same; the hon. member was under a misapprehension. It was distinctly laid down by the Act that a change of venue could be made, but always on application to the Judge.

Mr. Nanson: That was in jury cases.

Mr. FOULKES: Yes. Where one of the parties to a dispute thought that owing perhaps to his personal unpopularity or some other cause he was not likely to receive justice at the hands of a jury residing in the district where the case was proposed to be tried, the practice was for him to appear with counsel before the Judge and set out all the facts, and the Judge, having heard the various arguments both for and against, decided whether the case was to be heard in that particular district. It was the Judge who decided whether the venue was to be changed or not.

Mr. Moran: The amendment laid it down that the case should be heard in the district.

Mr. FOULKES: But the same principle should prevail: it should be left to the Judge to decide. If we passed or altered an Act of Parliament because one man was sick, we should be continually introducing Acts or amendments to provide for contingencies of that kind. The administration of the Act should be taken out of the hands of politicians and left in those of the Judges.

Mr. MORAN: After all, the Judges were the paid servants of the State, the highest dignitaries and officials, but the servants of the people the same as a messenger in this Parliament. There was nothing at all disrespectful to the Judges of the Supreme Court in asking them to travel, since the greatest Judges in Great Britain travelled. As to the change of venue, the Crown Law Department had full power in certain cases, irrespective altogether of the judicial bench, and that had been instanced in Western Australia.

Mr. NELSON: The two legal luminaries, the member for Claremont and the Minister for Justice, were both agreed on the legal aspect of the question, and laymen should accept the decision.

Mr. NANSON: We had known in the past how impossible it had been in this country to get Judges to go on circuit. In the part of the country he (Mr. Nanson) represented, for years past it had been a grievance that the Judges would never go to Geraldton on circuit. He believed that in the old country it had for centuries been regarded as one of the rights of the people that Judges should travel, and that had been so at a time when travelling was very much more difficult than in this country now. Although there had been this demand on the part of the public in Western Australia that Judges should travel for the convenience of suitors, up to the present the amount of travelling had been very inadequate.

The Minister for Works: Oh, no.

MR. NANSON: Civil cases, he was speaking of; circuit courts generally. Seeing there was that unwillingness on the part of Judges to travel on circuit in civil cases, it would be just as well, whilst we were dealing with this arbitration business where so many witnesses were required, that this point should be settled once and for all, and that there should be a definite instruction that the Judges should go to the district and hear the cases there. In one instance out of a hundred perhaps it might not be practicable, and in that event there should rest on the Minister for Justice the responsibility of saying whether the Judge was justified in hearing the cases in Perth or whether he should travel.

THE MINISTER FOR WORKS: It was not the Minister for Justice but the Minister for Labour who administered this measure, and the Committee were asked to accept an amendment to make it possible for the Minister for Labour to override the president of the Arbitration Court. He hoped the amendment would not be pressed. It was distinctly undesirable to give the Minister for Labour or any other Minister power to override the president in this matter. The difficulties which existed could be overcome by giving the Minister power to say the court should travel. The president of the court had been unable to travel, and the Government had not power to say "Well now you cannot travel, and we will appoint someone else to do that travelling." Now that power would exist immediately the Bill became law. In the past, with the exception of the present glut in connection with the work of the Arbitration Court, we had had no difficulty in getting the Judges to travel. Mr. Justice Moorhead travelled to Kalgoorlie, Mr. Justice Parker had travelled, and Mr. Justice Burnside had been almost from one end of the State to the other. The Judges of the Supreme Court, who had been present at the Arbitration Court, had never declined to travel to the cases in the different localities. There had been no difficulties until about five or six months ago. Those difficulties could be overcome by the amendment already passed, and there was no need to give the Minister power to override the president of the Arbitration Court.

MR. GREGORY: They were prepared to withdraw that.

THE MINISTER FOR WORKS: If they would withdraw that, he would not argue the matter more.

MR. HOPKINS: The amendment by the member for Menzies was that as far as practicable the cases should be heard in the districts from which they were cited. After discussing that, the member for Gascoyne wanted to strike out the words "as far as practicable." We discussed that, and suggested that the words should read "as far as the Minister may deem practicable." That was accepted all round the House.

MEMBERS: No.

THE MINISTER FOR WORKS; The first speaker was the Minister for Justice, who opposed it.

MR. HOPKINS: Had the Minister for Justice opposed it when it was introduced, that would probably have terminated the matter. We had recently had a congestion. We had had delays and expense simply because power was given to the Judge to say where the Arbitration Court should sit. In these circumstances the Judge said the court should sit in Perth. Now we had opportunity to say where the court should sit, and we should insist on its no longer sitting in Perth, at great expense to litigants, but that in every instance, if necessary, the court should go to the people. He (Mr. Hopkins) would withdraw his amendment, and would, with the member for Gascoyne, insist that the court should travel through the country rather than that the people should go to the court.

Amendment (Mr. Hopkins's) by leave withdrawn.

MR. BUTCHER moved an amendment:

That the words "as far as practicable" be struck out.

THE MINISTER FOR LABOUR: The amendment was unnecessary. On no occasion till quite recently had the president refused to travel. Our Act was identical with that of New Zealand, and the Government accepted the amendment of the member for Menzies because it was almost similar to the provision in the New South Wales Act.

MR. NANSON: Earlier in the evening the Minister for Labour said it was

utterly impossible for Judge Parker and Judge McMillan to leave Perth.

THE MINISTER: No; that over a month ago it was impossible for those Judges to travel; and that Mr. Justice Parker was then Deputy Governor.

MR. NANSON: Then it was not practicable for those two Judges to leave Perth at that time; and if the clause passed as it was proposed to be amended, the Judges, who had a rooted dislike to leaving Perth on civil or criminal business, might similarly object to leaving it on arbitration business. Any exception should be made by the Minister, or the clause should be absolutely mandatory. Surely it was not at the discretion of British Judges that they went on circuit; nor should our Judges have such discretion.

MR. MORAN: The only objection raised to the member for Gascoyne's amendment—that the description of the word "district" in the interpretation made this clause seem awkward—was dissipated by the Minister for Works. The Minister said that the court had already removed that objection by defining "locality." To strike a blow at centralisation, country members should seize this opportunity of having justice brought to their doors by the Arbitration Court as well as by the Circuit Courts.

MR. TROY: To-night we had an exhibition of Opposition inconsistency. The member for Boulder (Mr. Hopkins) improved on the amendment of the member for Gascoyne (Mr. Butcher), but asked leave to withdraw his amendment. With the member for Gascoyne's amendment he (Mr. Troy) sympathised; but in some respects it would be impracticable.

MR. MORAN: It would prevent members of Parliament from appearing before the court in Perth.

MR. TROY: Labour members always fought for decentralisation; hence the Bill which the Opposition were doing their best to tinker with. When Opposition members occupied the Treasury benches this difficulty existed, and they did nothing to remove it. The Bill was the first attempt at a solution. Why had not the member for West Perth (Mr. Moran) solved the difficulty during his 11 years' service in Parliament?

MR. MORAN: Because of the presence of weak and washy members from outside districts.

MR. TROY: The same trouble existed now. It would be impossible for the court to visit every locality in which a dispute arose. A breach of one award might be made at Peak Hill, which the court must go there to settle; and when the court returned to Perth, another Peak Hill award might be broken, and the court must then revisit Peak Hill. Thus the court might be occupied in one locality the whole year round, unless both parties were agreeable to a hearing in Perth. If the parties disagreed as to this, there must be a deadlock. Opposition members were now irresponsible, and with one exception had no experience of the Arbitration Court.

MR. RASON agreed with the previous speaker as to the exhibition of inconsistency; but this was displayed on the Government side. Firstly, members decided that the president of the court should be a Judge; secondly, that the court should proceed to the *locus in quo* rather than that the litigants should come to Perth; thirdly, the Treasury benches argued that the block of work in the Arbitration Court had been partly remedied because the president decided to hear all the pending cases in Perth; and the Government said they were therefore powerless to provide for hearing those cases in the respective districts. The member for Menzies relieved the Government by moving a mandatory amendment which the Government accepted, providing that the court should visit the districts.

MR. BOLTON: It was not mandatory. It read "as far as practicable," and was accepted by the Government.

MR. RASON: Curiously enough, the Government showed a desire to back down from that position, and said we should not dictate to the Judge and not render it compulsory that the Judge should go to districts, that we should not interfere with the Judge in this way, and that it was improper to dictate to him. That being so, he (Mr. Rason) was prepared to accept the amendment of the member for Gascoyne, because he was afraid to leave the words "as far as practicable" in the hands of a Government which included some members so

weak as to wish to depart from the almost unanimous wish of members of the House. It was idle to talk about members of the Opposition blocking the Bill. He appealed to the good sense and to the sense of fair play of every member of the House. They would admit the Opposition had done everything to assist the Government to make a perfect measure of an imperfect measure.

MR. TROY: Tinkering with it.

MR. RASON: If so, it was to be hoped the Government would long have the services of tinkers to make good imperfect work. The Premier would admit the Opposition had manifested every desire to assist; but if the Opposition were blocking the measure, they were assisted in doing so by the most intelligent members of the House.

MR. KEYSER: The member for Guildford rather misrepresented the case. The words "as far as practicable" would refer to the court. The court would decide whether cases should be taken to the districts or not, and the hon. member should not say that the Government would take advantage of the words "as far as practicable." It was absolutely necessary that the court should go to the districts in which disputes arose, unless it could be proved it was impracticable.

MR. NANSON: Mr. Justice Burnside's being ill would make it impracticable.

MR. KEYSER: That was the point we desired to get at. A Judge might, through ill-health, be unable to go to districts, and might decide that cases should be heard in Perth; but we now desired to destroy that right, and to say that cases must be heard in the districts, and that the court must go to the districts. Should we give the power to the court, or to the parties, or to the Ministry, or should we make it mandatory? There was now no probability of a case occurring where it would be impracticable for a Judge to go to any particular district. If one Judge were ill there was authority to appoint another Judge; and that being so, was there necessity for insisting on a Judge going to a particular district?

MR. HOPKINS: That was what we desired to insist on.

MR. KEYSER: In that case the amendment should be carried.

MR. CARSON supported the amendment. It should be mandatory on the court to sit in districts away from Perth. Provision was made in the clause that the consent of both parties to a dispute should be obtained.

MR. FOULKES: The discussion seemed to turn upon the conduct of Judges a few years ago and during the last few months, and it was seriously stated that Judges had been reluctant to leave Perth and hear cases in distant parts of the State. He was glad to hear the Minister for Justice point out how erroneous that statement was in regard to the Judges at present. No doubt, eight or nine years ago there was difficulty in getting Judges to leave Perth to go to the goldfields; but there was very good reason for it. The three Judges had an enormous amount of litigation before them, and transit to the goldfields was not so satisfactory as to-day. That state of affairs had long since passed, and during the last four or five years there was no reluctance or unwillingness on the part of Judges to travel to any part of the State.

MR. MORAN: Then the amendment would not inflict any injustice.

MR. FOULKES: The member for West Perth was too fond of referring to what took place 10 or 12 years ago. No one could give the slightest proof that Judges were now unwilling to travel. Some of them frequently referred with pleasure to the trips they had made; and now that the bench was more fully manned, we should not have the slightest difficulty in getting Judges to travel. Some hon. members thought that because one Judge was too unwell to travel, other Judges would be unwilling to travel; but Mr. Justice Burnside, as long as his health was good, was at all times perfectly willing to travel to the most distant parts of the State. The statement was a slur on the Supreme Court bench.

MR. MORAN: The hon. member was making the slur.

MR. FOULKES: No; it was the foolish charge that Judges were unwilling to travel. If the word "practicable" were put in the clause it would simply have to be left to the interpretation of the Judge.

Mr. Moran: We were arguing now to omit the word.

Mr. FOULKES objected to a mandatory clause that Judges in all cases should go to districts where disputes were pending.

Mr. Moran: In confidence, what were the hon. member's views?

Mr. FOULKES: The member for West Perth was not the first person in whom he would place his confidence if he had any views different from those he now expressed. We would only add to the difficulties of the administration of the Arbitration Act if we said that in all cases Judges should go to the districts, because a great many of the cases were trivial, and there would be waste of money if Judges had to travel hundreds of miles to deal with a case that would perhaps only take ten minutes to settle.

Mr. Moran: It was the same old speech we had heard for 11 years.

Mr. FOULKES: We should also cause delay to other litigants who had matters of more urgent importance to bring before a Judge. The House should not make the clause mandatory.

The MINISTER FOR WORKS: The Government could not accept the amendment. There were small cases of interpretation concerning breaches of awards which it would be far cheaper to bring to the court instead of the court going to the districts. It would be undesirable that the court should have to travel to Peak Hill to settle a small interpretation matter. We had only one Arbitration Court and one Judge, so that when the court was at Peak Hill dealing with a trivial case, there would be no court in Perth to deal with big cases that might occur. In the Supreme Court, when one Judge was away other Judges could deal with cases arising in Perth.

Mr. Moran: Did not priority apply?

The MINISTER FOR WORKS: Yes; but many of these cases were very trivial. In Kalgoorlie at one time there were five or six little disputes as to breaches of awards. If it were compulsory for the court to go to outlying districts to settle disputes, then the court might have to travel to Kalgoorlie to settle one point, and having done that and returned to Perth might again have to return to Kalgoorlie to settle another point, in which case the court would continually be travelling up and down to Kalgoorlie settling minor cases while big cases were awaiting settlement in Perth. If the amendment were passed, the court would travel to places where big cases were awaiting settlement. If the amendment of the member for Menzies were carried, the Judges would then know what the wish of the Legislature was. We desired to lay down that the court should continue to travel to settle disputes in the districts where they occurred as had been the case in the past, and when there were small disputes and it was advisable and cheaper for the cases to be heard in Perth, the president could make arrangements to hear the cases in Perth.

Hon. F. H. PIESSE: There was a desire on the part of members to do all they possibly could to study the interests of those concerned in disputes. Although members might be anxious to save expense, after all it would be a mistake to lay down a hard-and-fast rule to the Judges. If a small dispute arose at Marble Bar, if the amendment were carried the Judge would have to travel to that part of the country to hear the dispute. There should be centres named to which the Judges should go to hear disputes. It was impossible to embody in an Act of Parliament all that was desired: a great deal must be left to the discretion of those in authority. If a rigid rule were made it would be difficult to carry out. He would vote for the amendment of the member for Menzies.

Mr. BUTCHER: If the old system of centralisation was carried out it would be an injustice to the North and to outlying districts. Why should not an industry at Marble Bar or at Roebourne be entitled to the benefits of the Arbitration Court just the same as an industry in Perth? Encouragement should be given to those who went into outlying districts to start industries.

Mr. MORAN: The interpretation of an award waited for months. Where damages were given for the infringement of an award, the magistrate or warden of a district could decide, but nearly all big cases were matters of interpretation.

Mr. Bolton: Existing agreements.

Mr. MORAN: Certainly, where an employer thought he had the right to cut

down wages. The member for Forrest wished to make the Arbitration Court say that employers should not be able to do this. The member for Katanning knew well that the point he had raised was the old objection so frequently brought forward by the Forrest Government against Circuit Courts being held throughout the country. If necessary the country could have two Arbitration Courts, the expense of which would not be too great. A new Arbitration Bill could have been dealt with while these two small amendments had been before the Committee. Let us send justice to the people in Circuit Courts, and have Arbitration Courts which would settle disputes in the locality where the trouble arose. Of course "locality" would have to be defined. If disputes arose in East and West Kimberley the Judge would not be expected to go to both places to settle the disputes.

HON. F. H. PIESSE: It depended on the importance and seriousness of the dispute as to whether a Judge should travel. It could not be expected that a Judge should go to Kimberley to settle a trivial dispute.

MR. MORAN: Representing Perth, this question ought not to appeal to him with the same force that it should to country members; but he held it was cheaper to take Judges out of Perth than having Parliament tied up with two Bills such as we had been considering simply because one Judge was sick and 50 witnesses were in Perth, the expenses of each of whom might be £20 before getting back home. In most trivial cases the ordinary Local Court would have jurisdiction.

MR. CONNOR: Ministers were in favour of a certain principle, but were arguing against it. The discussion seemed to have gone on until it presented the appearance of a party debate; but he did not recognise it as a party debate and he intended not to vote on party lines. The whole trouble was caused by not having sufficient capable Judges on the bench. He did not wish to reflect on the ability of the Judges: he meant they were not physically capable although mentally capable. That was the solution of the question. The amendment, if carried, would have the effect of forcing the Government to do what was necessary—appoint two more Judges if they were required.

MR. BUTCHER: The objection raised by some members that the court might be taken to remote corners of West Australia to decide trivial cases fell to the ground when it was remembered that the court had power to fix the districts to be visited; therefore this did away with that argument altogether.

MR. KEYSER: Supposing, after the court had visited a certain district and given an award, some difficulty arose regarding the interpretation of a certain phase of that award; would it then be necessary for the court to again visit that particular district before giving the interpretation of that phase?

THE MINISTER FOR JUSTICE: In the event of this amendment being carried, if the Judges were required to go to Kimberley they would not require to go once only, but twice; because no Judge had yet been appointed anywhere who could lay down an award in such terms that there would be no two interpretations. It had been urged that parties might agree where the case should be tried. Very often, however, they did not agree. Supposing a dispute occurred in a mining district, there being a miners' union on one side and 6, 10, or a dozen mines on the other; those mines were perhaps 50, 60, or 100 miles from each other, and it would be next to impossible to get them all to agree exactly as to where the case should be tried. People might have had to wait a few months to get their cases dealt with; but there were facilities for persons really in a pressing hurry to get an award. Two or three members tried apparently to use this Bill as a peg on which to put the advisability of extending our Circuit Courts. It was not wise to take advantage of this occasion for that purpose. When the District Courts Bill was before the House, we should have an opportunity of discussing the question of extending the present Circuit Courts Act.

THE COLONIAL SECRETARY instanced a mining case in which a man was engaged a portion of his time as braceman, and a portion on the rock-breaker, but was paid only on the scale allowed for rock-breakers, 11s. 8d., whereas the rate of pay for bracemen was 13s. 4d.

and when the question was put to the president as to which scale he ought to receive, he replied that the man was entitled to the higher rate. Many phases which appeared of little moment to the country were a great deal to the person affected. In all the cases an interpretation had been forced on the employee by the employer taking advantage of something which the court did not intend. Could the member for Sussex (Mr. Frank Wilson) point out one case where the employees had been at fault? An interpretation could be obtained in Perth without dragging the court hundreds of miles to settle a question which could be decided in five minutes. If this mandatory proposal were carried out, we should have accumulated cases in a district before the court would go to decide them.

Mr. MORAN: What was to prevent this Committee from saying whether the difference about an interpretation should be held to be an industrial dispute, and that, if so, it should not be necessary for the court to travel on a matter of interpretation?

The Minister for Works: The case the Colonial Secretary had referred to was not that of an interpretation, but of a breach of award.

Mr. MORAN: The hon. member said it was an interpretation.

Mr. FRANK WILSON: If the award of the Arbitration Court said that a braceman should receive 13s. 4d. a day, and a man employed as braceman received only 11s. 8d., he could sue the employer for the balance. The interpretation of an award could be given by post even, unless it was an industrial dispute, and then it went before the court as an industrial dispute. In the case of the miners in the Cue-Nannine district the other day, they submitted a lot of questions to the Judges of the court in writing, and those questions were, he believed, nearly all replied to in writing. Two of the members of the court who sat to try the case gave their interpretation of different terms used, and so forth. If the case was so simple that only one interpretation was needed, let the parties wait till the court visited the district, and make the interpretation retrospective. The amendment would result in dividing the State into larger districts. We had now many disputes from each district, disputes from various centres 10 or 20 miles distant from one another. For gold-mining purposes the country might be divided into two districts, or one award might comprehend even the whole industry. The conditions of living and of employment for gold-miners were so similar that 20 or 30 awards were not needed. Pass the amendment, and the question of interpretation of awards need not trouble members. If the questions were important, the court would visit the district; if not, let the parties wait for the court.

Mr. TROY: The last speaker had somewhat misled the House, though he knew well that the interpretation of the Peak Hill award was not a trivial matter, seeing that about 100 men were affected.

Mr. Frank Wilson: It was not the recent Peak Hill case, but the Cue-Nannine interpretation, to which he referred.

Mr. TROY: Precisely. When that award was given, certain men who should have been paid as miners were paid the lowest rate ruling, and the court had to interpret the award. This was a common occurrence in the mining industry. He was absolutely opposed to centralisation. In other circumstances he would have voted for the amendment of the member for Gascoyne; but those who knew the Act best knew that to delete the words in question would do grievous harm. The court must visit the locality where trouble arose, no matter whether this concerned a breach of award or an interpretation. If both parties were willing the case could be heard elsewhere, but a mine manager might wish to postpone the hearing so as to continue paying lower wages. There was no analogy between the Arbitration Court and Circuit Courts.

Mr. KEYSER: Earlier in the evening he had said he would vote for the amendment of the member for Gascoyne, but now he intended to vote against it. If the court visited say Kimberley and gave an award, and the parties differed as to the interpretation, there would be a breach of the award, and the court must again visit Kimberley. That would be an absurd expense to the country. [Mr. Hopkins: An extreme case.] Acts of Parliament were based on extreme cases. Such a case might frequently occur, and it would be absurd to send the court

perhaps twice to Kimberley, thrice to Cue, and so on.

MR. NANSON: Better have a definition of the words "as far as practicable." One legal member said he could not define the words, and the other, the Minister for Justice, had not attempted to define them. If the amendment of the member for Gascoyne went too far, the clause did not go far enough, if the words meant that the convenience of the Judge was to be consulted. The words might do if they meant "according to the importance of the case." A better qualification would be "where the circumstances of the case demand it." This would prevent taking the court up country to decide trivial points, and would likewise prevent the Judge from consulting his own convenience. It would have been better if, as suggested in the amendment of the member for Boulder, the decision had been left to the Law Department. However, the Judge's decision should rest entirely on the facts of the case.

THE MINISTER FOR LABOUR opposed the amendment. Some members took the Government to task for departing from the procedure in other States. There was no precedent for the amendment.

MR. GREGORY: The fact that so many disputants and witnesses were brought to Perth justified the innovation.

THE MINISTER: The fact that the court previously travelled throughout the State showed that the Judges were willing to meet the wants of the people. In New Zealand, where Supreme Court Judges presided, there was no trouble. In New South Wales the conditions were similar to ours; for the Judges had to travel through two States from Sydney to Broken Hill. The New South Wales Act contained a clause somewhat similar to the amendment of the member for Menzies; hence the Government accepted that amendment. The member for Sussex (Mr. Frank Wilson) said disputants had merely to send a list of questions to the court. The hon. member should not mislead the House.

THE CHAIRMAN: The expression must be withdrawn.

THE MINISTER withdrew the word. In the Peak Hill case, which the hon. member refered to, representatives of the employers and the employees took a day to fight out the interpretation in the court at Perth. We need not fear disputed interpretations; the court must travel to enforce awards. Once an award was given, some 20 or 30 breaches of it might be committed in one district; and all cases of breach must be brought before the court. If the amendment of the member for Gascoyne were carried, the court might have to visit the district, for the citation to enforce an award was practically the same as a citation for settlement of a dispute. The amendment of the member for Menzies would meet the case.

Amendment (Mr. Butcher's) put, and a division taken with the following result:—

Ayes	...	...	16
Noes	...	...	24
Majority against		...	8

AYES.	NOES.
Mr. Brown	Mr. Angwin
Mr. Butcher	Mr. Bolton
Mr. Carson	Mr. Cowcher
Mr. Connor	Mr. Daglish
Mr. Dimmond	Mr. Foulkes
Mr. Gregory	Mr. Hastie
Mr. Hayward	Mr. Heitmann
Mr. Hopkins	Mr. Henshaw
Mr. McLarty	Mr. Hicks
Mr. N. J. Moore	Mr. Holman
Mr. S. F. Moore	Mr. Horan
Mr. Moran	Mr. Johnson
Mr. Nanson	Mr. Keyser
Mr. Rason	Mr. Lynch
Mr. Frank Wilson	Mr. Needham
Mr. Gordon (*Teller*).	Mr. Nelson
	Mr. Piesse
	Mr. Scaddan
	Mr. Taylor
	Mr. Troy
	Mr. Watts
	Mr. A. J. Wilson
	Mr. F. F. Wilson
	Mr. Gill (*Teller*).

Amendment thus negatived.

Clause (Mr. Gregory's) passed, and added to the Bill.

New Clause—Members of Parliament not to act as advocates in Court:

MR. HOPKINS moved that the following be added as a clause:—

> Section 73 of the principal Act is hereby amended by striking out the words "or with the consent of all the parties by counsel or solicitor," and by adding the words "but shall not appear or be represented by a legal practitioner, or a member of the Parliament of the Commonwealth or of a State."

Though the principal Act provided that legal practitioners should not appear in the court as such at the hearing of cases, it was found they could act as attorneys for either party to a dispute. It was

found in arbitration cases to be preferable as far as possible that legal men should not practise in the court, and the clause would prohibit any legal gentleman from appearing in the court. There might be some slight modification to this proposal, but most members viewed this matter from the standpoint of the general public interested in arbitration cases, and thought that legal gentlemen should not practise in the court. He also proposed that no member of Parliament should be permitted to appear in the Arbitration Court. If a member of Parliament could go into the Arbitration Court and plead, it would not be long before members of Parliament would effectively take the places of the trained legal advocate whom Labour members had joined with the present Opposition when the Act was framed in debarring from appearing in court. Admitting members of Parliament to the Arbitration Court as advocates would not lead to any good, and would open up possibilities which in the future might lead to serious complications and might open the way to serious charges and assertions. The House should express an opinion as to whether it was advisable in this early stage of the history of the Arbitration Court to lay it down distinctly and clearly whether political influence should find its way into the court.

The MINISTER FOR LABOUR: The hon. member should have given some substantial reasons for his proposal. No complaint was made as to the manner in which members of Parliament had conducted cases before the Arbitration Court, and no word had been uttered against them. No political influence had been used in the court, nor would the Judge allow it. The clause, so far as legal practitioners were concerned, would be the same as in the Act; so the amendment applied only to members of Parliament; and the hon. member only made a bare statement to support his proposal. The House should not agree to such a departure. Members of Parliament were not prohibited from appearing in any other court, and there was no good reason why they should be prohibited from appearing in the Arbitration Court. Members of the Labour party always endeavoured to prevent disputes from taking place, and that would be their attitude at all times whether as members of Parliament or not. If members were not allowed to follow up arbitration matters as closely as possible they would not be able to see that we had so few industrial disputes.

Mr. FOULKES: It was to be expected that the Minister for Labour would protest against members of the legal profession being employed in the Arbitration Court so that justice would be done to all sections of the community, and not pass an Act of Parliament which controlled certain classes of people while other members of the community were not affected by it. It was advisable that members of the legal profession should not attend before the Arbitration Court, and there was no desire on the part of legal practitioners to appear before that court. But the same arguments should be made to apply equally to members of the Legislature; because there were many members of Parliament who had been advocates in industrial disputes, many who had left the other States having had long and in some cases noteworthy careers. He was not referring to the Colonial Secretary. The Minister for Labour had pointed out that members of Parliament had acquired experience in connection with the working of the Arbitration Act, and he thought it advisable as far as members of Parliament were concerned that they should gain this experience. But what was to become of legal members? Were they not to have experience of the Arbitration Court so that they could come to Parliament and give the experience acquired by them? He agreed with the spirit of the Act that no legal members should appear before the Arbitration Court; because many lawyers were apt to go into minute details and raise technical questions which might hamper the administration of the Act. But the Minister should be consistent, for many members of Parliament made it a speciality to appear in industrial disputes. Many men were tempted to take an unduly active part in industrial disputes because it was an easy stepping-stone to obtaining a place in the Legislature of the country. We should not place temptation before many men to take an undue part in fostering and encouraging industrial disputes. In

discussing the previous clause the Committee appeared to be unanimous that the administration of the Arbitration Act should be kept as far as possible free from political influence. It was well to prevent members of Parliament unwarrantably using political influence, and it was the duty of Parliament to prevent all possible abuses in that direction; therefore he welcomed the amendment. During the last election many of the candidates made an open boast at election meetings of the great services rendered to a certain class owing to the part they had taken in industrial disputes. He (Mr. Foulkes) would be prepared to go farther and make it a provision that no candidate for Parliament should appear before the Arbitration Court. He asked the Minister for Labour to be consistent, and if a regulation was made for stopping certain classes of people from appearing in the court, to deal out justice all round. He hoped the Committee would agree to the amendment.

MR. LYNCH: In New South Wales members of the legal profession invariably appeared in industrial disputes, although the Act provided against it; therefore the member for Claremont need not fear that these gentlemen would be cut off from any of the shekels which might come in their way as advocates before that court. As the member for Claremont rightly pointed out, it might be necessary to go farther and debar anyone having political ambition from appearing before the court; but if the hon. member could devise some means of differentiating between men with political ambitions and other persons, the Committee no doubt would welcome an amendment in that direction. The reason for prohibiting members of Parliament appearing was to prevent a Judge or a party before the court being biased by reason of the personality of the advocate. If it were necessary to experiment in connection with the Arbitration Act in that direction, it should be equally necessary to introduce an innovation in regard to the Supreme Court and the minor courts to prevent legal members of Parliament from appearing before such courts, for whenever a member of Parliament appeared before a court he was interested in the success or failure of his case. There need be no fear on the score of members appearing and exercising political influence, for matters would be fairly balanced on both sides. Nothing would be gained by the amendment, which was altogether unnecessary.

MR. A. J. WILSON moved an amendment to the new clause:

> That after the words "legal practitioner" the following be inserted: "or law clerk who has practised within or beyond the limits of the State."

In his experience in the Arbitration Court in this State managing clerks of legal firms who were not legal practitioners within the meaning of the Legal Practitioners Act in this State, were sent to appear on behalf of employers. In many cases these managing clerks had been admitted to practise either in Victoria or some other State, and through an absence of reciprocity in the admission of practitioners between this State and Victoria these law clerks had been unable to obtain admission to the bar here. This apparently would become necessary to prevent the possibility of any of these trivial technical legal points being raised, as they frequently had been in the conduct of cases before the Arbitration Court. Very frequently most important vital issues had been obscured by some technical point which an unfortunate layman, appearing on behalf of the workers, had not been able to set aside. In regard to the latter part of the new clause, he had no antipathy to preventing members of Parliament from appearing before the court. He believed there were as good men outside Parliament in connection with the various labour organisations, who were thoroughly competent in every way to conduct cases. It did not seem fair that a Labour member, who was drawing a salary from the State for services supposed to be rendered to the State, should enter into competition with those men of capacity in the various industrial organisations, in the conduct of those cases.

THE PREMIER: The Bill before the Committee was introduced for a specific purpose, and was not intended to amend generally the various sections of the Arbitration Act. The clauses already adopted really applied distinctly to the object for which the Bill was introduced. The new clause and the amendment now under discussion travelled outside the

purpose of the Bill; and, whilst aware that it was quite in order to do this, he would suggest, as it opened up a large field of debatable matter, that the member for Boulder might withdraw the new clause and bring it forward at a later stage in the session, when the Government had every intention of reopening the arbitration legislation for the purpose of introducing other and fully as important amendments which were really required in the principal Act. The hon. member might bring forward the matter then. He (the Premier) had asked members on the Government side of the House to follow the course he was now asking the member for Boulder to adopt—to reserve amendments they desired to move until the main Act was dealt with at greater length by the introduction of a larger amending measure.

MR. HOPKINS: Seeing that the Committee had been engaged on this Bill since early in the afternoon until this late hour, and that some members would be engaged on select committees to-morrow morning early, it was only reasonable, in view of the very important issues involved in the amendment of which he had given notice, and which had been placed before the House, to let it stand on the Notice Paper till to-morrow night. If the Premier would then make the request, he (Mr. Hopkins) would be only too pleased to consider it, but he thought it hardly fair to submit it at this late hour. Generally the House adjourned before this time. He thought progress might be reported.

THE MINISTER FOR WORKS: If the amendment by the member for Boulder were accepted, the Government must withdraw the request they had made to members on that (Government) side of the House, and let them move their amendments. That would occupy a considerable time. He hoped the hon. member would realise the position, and not force the amendment.

MR. GREGORY: The Premier would, he hoped, see his way clear to report progress at this stage. The amendment by the member for Boulder was very important, and it was hardly fair for the Premier or the Government to suggest that when Bills were brought forward members on that (Opposition) side should not move amendments. This was the first time we had heard it was the intention of the Government to bring in another Bill this session dealing with the Arbitration Act.

THE MINISTER FOR WORKS: It had been mentioned twice before.

MR. GREGORY: It was the first time he had heard of such a thing. He could not conceive for a moment that when an important Bill was brought forward it should not be the privilege of members—and of course that was admitted by the Premier—to introduce an amendment such as this, which they thought essential to the good working of the Arbitration Act. This important clause should be debated in a full House. Many members who would like to speak had left. Personally, he was willing to continue the discussion till after midnight. Members of Parliament should try to represent all their constituents; and it was a reproach on Parliament for a member to act as the delegate of a trade union. That was why he wished the clause inserted.

MR. NELSON: The Opposition should consider the Premier's suggestion. To make a Bill brought in for a specific purpose an excuse for discussing many matters outside that purpose was dangerous. The member for Forrest (Mr. A. J. Wilson) had probably half-a-dozen amendments prepared, and he (Mr. Nelson) might have a few. The debate might thus continue for weeks. Amendments not within the scope of the Bill should not be pressed.

MR. KEYSER: Continue the debate. The Bill aimed at overcoming a difficulty. The Premier should not give way. Press the matter to a division.

MR. CONNOR appealed to the Premier to accept the suggestion of the Opposition. Surely the House had not sat so late this session. The Opposition had not attempted to squeeze the Government; therefore the Government should meet them now. He moved:

That progress be reported and leave be asked to sit again.

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

Ayes	...	...	16
Noes	...	...	18
Majority against		...	2

Ayes.	Noes.
Mr. Brown	Mr. Angwin
Mr. Connor	Mr. Bolton
Mr. Cowcher	Mr. Daglish
Mr. Diamond	Mr. Hastie
Mr. Foulkes	Mr. Heitmann
Mr. Gregory	Mr. Henshaw
Mr. Hayward	Mr. Holman
Mr. Hopkins	Mr. Horan
Mr. Layman	Mr. Johnson
Mr. N. J. Moore	Mr. Keyser
Mr. Moran	Mr. Needham
Mr. Nanson	Mr. Nelson
Mr. Piesse	Mr. Scaddan
Mr. Rason	Mr. Troy
Mr. Frank Wilson	Mr. Watts
Mr. Gordon (*Teller*).	Mr. A. J. Wilson
	Mr. F. F. Wilson
	Mr. Gill (*Teller*).

Motion thus negatived, and the debate continued.

[10·50 o'clock.]

Mr. HOPKINS: The Opposition, though small and comparatively weak in numbers to-night, were at least strong in the conviction that it was the duty of an hon. member, whether of the State or the Federal Parliament, not to represent the few people who had voted for him, but as far as possible to represent all his constituents. It was no new theory of his. His remarks arose from no feeling of party politics, and members should disabuse their minds of anything so erroneous. After re-election his first words were that, while he appreciated those who had elected him at the head of the poll for the eighth time in Boulder, his ambition was to represent not only those who had stood loyally by him, but also those who had not voted for him. He could not believe the improvements to the Bill brought forward by the Opposition should be treated in such a cavalier manner by the Premier. It was suggested by him (Mr. Hopkins) that there should be no party politics in the discussion of this measure; but having been in the House since 9 o'clock in the morning, he thought it a reasonable request that progress should be reported. Members should have time to look over his proposal. The only argument against it was that members of the Labour party desired amendments to the Bill, but had been induced, as a matter of expediency and marking time, not to bring them forward, and that this plea must be withdrawn if his (Mr. Hopkins's) clause were persisted in. Were we to wait until things developed and to see whether the Government lasted sufficiently long enough to bring in more amendments to the Arbitration Bill, which would be defeated in the first instance by the Opposition, be remodelled by it, and then be passed without proper consideration by the brutal majority on the Government side? His opinions had been considerably fortified by assertions made by a person seeking election recently. That person said "I am going in to represent a certain section in that House, if I do go in at all; and if I go in, rest assured that it is them I am going to represent and nobody else."

The Minister for Justice: Was it at East Perth last night?

Mr. HOPKINS: Not having been present in East Perth last night, it was difficult to give the Minister the assurance he desired; but the clause had an important bearing on such an assertion. To allow a member of Parliament to appear in the Arbitration Court as an advocate of the claims of one particular section of the community was to deprive him of his independence as a representative of the constituency. The member would become the chosen advocate of the section who elected him, and the whole trend of things would be the old cry of "spoils to the victor." In the past the Labour party on all occasions demanded equality of representation, and he (Mr. Hopkins) always endeavoured to live up to that principle; but he was not influenced by the support given by the Government or their following.

The CHAIRMAN: The hon. member was out of order, and must confine his remarks to the clause under discussion.

Mr. HOPKINS: The proposal was to amend Section 73 of the principal Act. [Section read.] Those members who followed the court took great exception to a legal practitioner, as attorney for an absentee company, defending an action against that company in the Arbitration Court. The Crown Solicitor had assured him (Mr. Hopkins) that the amendment covered all that was intended to be covered by the comprehensive amendment on the Notice Paper. The member for Forrest proposed that managing clerks and gentlemen who were barristers or solicitors in the Eastern States, where there was no reciprocity with this country, should be debarred from appearing in the Arbitration Court. He (Mr. Hopkins) agreed with that proposal, and would like to see it embodied in the

amendment. Consideration of the amendment might be postponed for some time.

[11·5 o'clock.]

THE PREMIER: A great deal of time had been wasted right through the sitting. He had no wish to force the clause through to-night or to a division, but the hon. member was unfair and unjust, and if the Standing Orders would allow him to say so, most untruthful in his attacks on the Government. The hon. member accused the Government of carrying on the sitting to an undue length. It was within the knowledge of members that the present hour was far earlier than that at which adjournments were asked for in previous sessions.

MR. HOPKINS: Not at such an early period of the session.

THE PREMIER: At this early period of the session many times the House had sat until 11 o'clock or half-past 11, and even later. Considering that only two clauses of the measure had been passed, it was not unreasonable that we should go on until at least a quarter past 11 o'clock. He was quite willing that progress should be reported at the hour named. At the same time if members insisted on delivering speeches like that which members had just listened to, he was quite prepared to go on for a longer period. He was anxious to see the business of the country carried on in a dignified and proper fashion. He did not wish to ask members to sit for undue hours; he had never made such a request to the House; but the Government asked that a reasonable amount of work should be done each day, and the Government fairly expected the support of members on both sides in that respect. He trusted at this early stage of the session there would be no desire on the part of members to prevent the Government from carrying out useful work. He had made no accusation in that direction, and he wished to make none, but at the same time he would have no hesitation, if speeches like that of the member for Boulder were repeated, in making that accusation, and at the same time insisting, if he had the power to do so, on devoting a longer time to the consideration of measures. Reasonable speeches, touching on the matter involved, should be made by members.

MR. NANSON: There was no desire on the Opposition side to indulge in what might be called stonewalling. The member for Boulder no doubt felt strongly on his proposal, and that might have induced him to speak at greater length than usual in regard to it. There was a good deal to be said as to the remarks of the Premier that nothing should be added to the present Bill, but that another Bill should be brought in later on to amend the Arbitration Act in farther particulars. If the Premier holding that opinion consented to report progress at this stage, it would give the member for Boulder, and other members who thought with him, an opportunity of more maturely considering the proposal. There was something to be said for the proposal of the Premier, as all sections wanted to get this amendment of the Arbitration Act passed as quickly as possible, so that any congestion of work in the Arbitration Court should be prevented in future.

On motion by the PREMIER, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 12 minutes past 11 o'clock, until the next afternoon.

Legislative Council.

Wednesday, 12th October, 1904.

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

PRAYERS.