the Parliamentary Draftsman, a gentleman on whose already too much occupied time I did not desire to entrench. I want to explain also that the Schedules do not pretend to be complete; they are simply a skeleton which may be extended and enlarged from time to time. They do not, for instance, include the birds and animals that have been protected by proclamations since the parent Act was passed in 1892, so that hon. members will realise that they will have to be considerably added to before these Schedules are in any way complete. I have considered what Sir Winthrop Hackett has said in regard to the inclusion of fish in the Bill. If that could be done I should be glad to have fish, especially imported fish, brought within the purview of the Bill. I know there are a great many difficulties in the way, but, perhaps, these difficulties can be overcome. With regard to the export of native game, my intention in adopting that clause was that it should apply more particularly to live game. In regard to the wholesale exportation of birds, to which Sir Winthrop Hackett has referred, I think that abuses of that character are provided for in the Federal legislation passed last year. Without further delaying the House, I desire to again thank hon. members for the kindly reception they have given this Bill.

Question put and passed.

Bill read a second time.

Select Committee.

On motion by Hon. W. KINGSMILL, Bill referred to a select committee, consisting of Hon. J. E. Dodd, Hon. J. D. Connolly, Hon. E. M. Clarke, Hon. W. Patrick, and the mover, with the usual powers to report on the 7th December.

House adjourned at 6.13 p.m.

Legislative Assembly,

Thursday, 23rd November, 1911.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Minister for Works: 1, Special by-laws relating to valuations by the Swan, Drakesbrook, and Yilgarn roads boards; 2, Special order fixing the general rates for the current year of the Broomehill roads board.

BILL—LOCAL COURTS ACT AMENDMENT.

Third Reading.

The ATTORNEY GENERAL (Hon. T. Walker) moved—

That the Bill be now read a third time.

Mr. E. B. JOHNSTON (Williams-Narrogin): It had been his desire to see an amendment inserted in the Bill increasing the jurisdiction of local courts up to £500. There was a desire in certain country districts that competent magistrates should be empowered to adjudicate on matters of greater value than that to which they were restricted at the present time. However, he understood from the Attorney General that the Government intended to bring in a comprehensive measure dealing with local courts next year, and the Minister had given an assurance that the advisability of increasing the jurisdiction would then be considered. In these circumstances he (Mr. Johnston) would leave the matter alone for the present. In the Great Southern district there was a highly competent magistrate, and it was the desire of the people of the district that Mr. Burt should have power to adjudicate on matters up to £500. He (Mr. Johnston) looked with confidence to the Bill to be brought down next session.

Question put and passed.

Bill read a third time and transmitted to the Legislative Council.

BILL—PUBLIC WORKS COMMITTEE.

Third Reading.

Bill read a third time and transmitted to the Legislative Council.

BILL—HEALTH ACT AMENDMENT.

Report of Committee adopted.

[*The Deputy Speaker took the Chair.*]

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st November.

Mr. FRANK WILSON (Sussex): I think this measure, if one cared to adopt a simile, could be referred to as a small phial containing the most deadly poison imaginable; it is a small Bill embracing most drastic alterations in the powers of the Arbitration Court. In fact it gives the Arbitration Court absolute power to control every action and every movement in every industry in Western Australia. It enables even a difference of opinion on the most trivial subject to be referred to the court in order that a decision may be received from the court. It takes the control of every detail of any department of an industry out of the hands of the owners therof and places it in the hands of the court should the employees cite the owners before that tribunal. I want to say at once that I think everybody is desirous of having industrial peace in Western Australia. We recognise that the progress of a country depends very largely upon the terms of friendship, if I may so call it, existing between master and man, and certainly the prosperity both of the employer and the employee alike depend upon continuity of employment and upon industrial peace. I think it may also be stated without fear of contradiction that the Arbitration Courts, at any rate so far as we have experienced them here, have not been that success which we hoped for them, and the court itself has not given a full measure of satisfaction to either one side or the other. Indeed I see by this morning's paper that there is some statement that even in New Zealand, the home of arbitration, the workers there are highly dissatisfied and are practically condemning the Arbitration Court in that democratic country. Of course, the reasons for discontent, so far as employers are concerned, are easily to be found. When employers can be called upon and compelled, as they are now, to obey the awards of the court, and the employees, on the other hand, cannot be compelled to obey those awards, it is easy to imagine a ground of complaint, at any rate from the employer's standpoint. I have noticed, and I suppose others also have noticed, that the workers as a rule only believe in the Arbitration Court when the awards are in their favour. They are all for arbitration so long as they can get an award in their favour, but if the award goes against them they have no room for the Arbitration Court. There is a lack of that loyalty which is essential if the court's decisions are to have the good effect which we hope for, and if it is to control within reason the industries and conditions of employment in our State. I venture the opinion that in this State of Western Australia we have more to thank the mutual agreement of parties concerned in our different industries than any decisions of the court for the prevention of serious trouble up to the present. We have only to cast our minds back to the threatened troubles on our goldfields, nearly all of which have been settled by mutual concilation, that is, the parties concerned meeting each other and coming to an understanding, that is what we ought to encourage as far as possible. Unfortunately the tendency of our time, so far as I can judge it—and I might also say of our laws in connection with industrial employment—seems to be to engender bitterness between the masters and the men. It seems to me that all our cases

when they are fought out in the Arbitration Court are fought out with bitterness of feeling between employer and employees rather than with that harmony of feeling which ought, of course, to permeate everybody who goes before the court.

Mr. Underwood : Such as would permeate you in advocating five bob a day.

Mr. FRANK WILSON : Employers are looked upon by a goodly number of workers, and more especially are the workers encouraged to do that by that well-known individual, the professional agitator, as mortal enemies, and enemies that ought to be destroyed ; and I am sorry to think that that feeling, which unfortunately has grown enormously of late years, is the influence doing the greatest damage and harm to this tribunal, and also the greatest damage to the State and the industries of the State. And one is apt to forget that in seeking to injure those who find the necessary capital for our industries, the men themselves are being injured thereby. It goes without saying, and I believe I am voicing the opinions of hon. members on the Government side of the House as well, that the efforts of every member of this Chamber, and indeed the efforts of all who wish to be patriotic and see the country advance, should be to allay this tendency. I know that the people of this State would, as I believe every member of this Chamber would, welcome heartily anything that would put a stop to strikes and lock-outs, but up to the present we have been unable to devise anything that would have that effect. This Bill to my mind seems to increase the complications, and it does certainly open the door, as the Attorney General explained when introducing it, to a host of trivial disputes, disputes which ought to be readily settled between employers on the one hand and their men on the other. If we could by any means devise something that would settle all disputes and would enforce the awards of our tribunals on both parties alike, we would be doing a great service to our country, and a greater service still would be done if we could do something to settle for all time the professional agitator who makes his living by creating these industrial disputes.

Mr. Underwood : What about yourself ?

Mr. FRANK WILSON : The Attorney General when speaking inferred that masters as a rule make serfs of their men.

The Attorney General: I made no such assertion or gave rise to any such inference ; it is another misrepresentation.

Mr. FRANK WILSON : I certainly do not wish to misrepresent the hon. Minister. Will he explain what he did say ? He did use the term serfs.

The Attorney General : I stated that when the member for Murray-Wellington was a boy that was the attitude of the masters.

Mr. FRANK WILSON : Well, it is only a few years since the hon. member was a boy.

Mr. Heitmann : Is it ? According to him he came out of the ark.

Mr. George : I built the ark.

Mr. FRANK WILSON : It seems to me that one has only to notice the action of the men in our different industries to be impressed with the idea that there is no question as to who are the masters at the present time. I do not think that the man who provides the capital in the industries of this State is any longer master of the situation : the men themselves control the industry.

Mr. S. Stubbs: Quite right.

Mr. FRANK WILSON: That shows the bias of hon. members.

Mr. Bolton: The interjector was one of your own party.

Mr. FRANK WILSON: That is the opinion of hon. members, that the men should control the industry and the work on which they are engaged. And the trouble which is recorded at the present time on the goldfields seems to go to show that this is so; because we have there about 130 men who have taken a certain action which is likely to paralyse the great gold mining industry for some time. It is an action which, if proceeded with, will not only paralyse the

mining industry, but will also bring thousands of people to want and injure women and children——

The Premier: The responsibility rests on your shoulders.

Mr. FRANK WILSON: Not at all. This action will injure these innocent people more than the 130 men who are directly affected. And why? Because these men will not submit their claim to the Arbitration Court for decision, and because my friend the Premier will not compel them to do so.

The Premier: No, but we will give them an Act on which they can go to the court.

Mr. FRANK WILSON: They can go to the court now, and if the Premier were to do his duty he would take proceedings to compel those men to go to the court.

The Premier: It is our intention to amend the Act.

Mr. FRANK WILSON: It must be realised that there must be always a governing head, even in affairs of State, and we have our friends of the ministerial party in that position to-day. In industrial affairs, also, we must have somebody to take charge. Hon. members opposite think that the men must take complete control and that they must have a measure such as this, which will enable them to bring the most trivial differences of opinion before the court—a thing that is going to harass every employer in the State, and continue to harass him until he goes out of the industry. I think that any men who find the funds to carry on an industry are the people who should command and control that industry. It is a deplorable fact, and yet it is a fact, that the tendency of trade unionism has been to inculcate to some extent dishonest practices. Men have a right, and of course I do not dispute that right, to place their own value on their labuor; that is fair as far as it goes. I believe in every worker putting his own value on his work and seeing that he gets that value, but I do not believe in his having the volume of his work restricted for him by his union.

Mr. Green: That is a myth.

Mr. FRANK WILSON: There is no myth about it.

Mr. Green: You never worked hard; how can you tell?

Mr. FRANK WILSON: I have worked a jolly sight harder than the hon. member. I guarantee that I have done ten times the work he has done, or ever attempted to do. Well, if we have men in the position of both buyer and seller, of course we cannot get a proper deal. In this case we have the worker who places such value on his services as he thinks fit, and then he will regulate the amount of those services according to the idea of his union. That is not honest. Any member who would limit the amount of a man's labour is guilty of dishonest practice.

Mr. Heitmann: Give us an instance.

Mr. FRANK WILSON: Well, we know that the bricklayers limit the number of bricks to be laid in a day.

Mr. Green: In Sunderland?

Mr. FRANK WILSON: I wish the hon. member was in Sunderland; he would know what work is. No man believes in slave-driving, but every honest man believes in giving the best return in skill and ability for the money he draws, and I wish to say just here in passing that if trades unions would turn their attention more to the encouragement of a high degree of competency in their members instead of trying to bring in all and sundry, they would be doing more good than they are at the present time. If they would encourage competency in their members, employers would be only too glad to apply to the unions when they wanted men instead of going afield for them. Have we not often heard these loud-mouthed demagogues inciting men to go on strike, because some individual has refused to obey the rules of the work he is engaged in, or has proved himself incompetent? Then a strike is declared, and that man has to be taken back, or all hands will stop, whether he is capable of carrying out his work or not. There have been dozens of strikes of that description. The Bill as before the House is very sweeping in its provisions. It gives power to bring a case before the court where even the members of the union are not directly concerned in the dispute, where they have no members of

their union working in the factory concerned. That is, the union can cite a factory even if it were being worked by a body of non-unionists; they can create a dispute or difference of opinion, and force these men into the Arbitration Court.

The Attorney General: No part of the Bill says that.

Mr. FRANK WILSON: Clause 2, Subclause (a), read in conjunction with Clause 7, Subclause 3, gives that emphatic power; it extends the power to unions to bring a case where no unionists are employed or directly concerned in the works.

The Attorney General: But there must be already a dispute in the industry.

Mr. FRANK WILSON: Not necessarily; anything is a dispute.

The Attorney General: If a dispute is made there is one.

Mr. FRANK WILSON: A difference of opinion is a dispute, according to the hon. member's Bill. As I have shown, the shop worked possibly by non-unionists may have a dispute created for it—I will put it in those words to suit the Minister—or a difference of opinion, and may be brought into the Arbitration Court although its employees may be perfectly satisfied with the conditions under which they are working. There is undoubted power for the court to give preference to unionists.

Mr. A. A. Wilson: Hear, hear!

Mr. FRANK WILSON: They may order preference to be given to unionists, or that any section of the community working in the industry concerned may receive preference. The hon. member says, "hear, hear." I say it is a very drastic provision to have in the measure, and it interferes absolutely with the liberty of the subject.

Mr. A. A. Wilson: Not at all.

Mr. FRANK WILSON: If preference to unionists is decreed by them and a worker refuses to go in the union, is he not forced into the gutter?

Mr. A. A. Wilson: He is a leech; he takes advantage of the unionists' fight.

Mr. FRANK WILSON: It is absolutely class legislation. The man must either join a union, if they will receive him, or starve—go without work. Do we need any stronger instance of the tyranny of the Trades Hall? Is there any liberty of subject? Hon. members do not want any liberty for the subject; they want to make all men serfs and slaves to their trades unions; and against that I am opposed every time.

Mr. Underwood: Of course you are. You had serfs when you were running a timber mill, when you were paying 6s. for 10 hours' work.

Mr. FRANK WILSON: The hon. member is not speaking accurately.

Mr. Underwood: I am speaking accurately.

Mr. FRANK WILSON: Then I ask that the hon. member withdraw. He is not making an accurate statement. It is absolutely untrue. I never paid 6s. for 10 hours in the timber trade.

The DEPUTY SPEAKER: The member for Pibara must withdraw at the request of the leader of the Opposition, and the leader of the Opposition must also withdraw his remark that what the member for Pilbara said was untrue.

Mr. Underwood: I wish to withdraw the statement I made, and to say that I had it on the information of my opponent at the recent elections——

The DEPUTY SPEAKER: Order! The hon. member must withdraw absolutely.

Mr. Underwood: Who worked——

The DEPUTY SPEAKER: Order, order!

Mr. FRANK WILSON: I withdraw the word "untrue" and substitute "incorrect." I have no quarrel with the provisions of this measure that make it easy for the unions to go before the court. According to my experience in the past it is difficult to compel the men to go to the court, whereas the employers as a rule have been only too willing to submit their cases to arbitration.

The Premier: No, they are not.

Mr. FRANK WILSON: I say they are.

The Premier: And when they do not get an award they agree with, they go to the High Court and get it blown out.

Mr. FRANK WILSON: They may do that, if they have the right to do it. Surely if a man has a legal right of appeal, and there is a court of appeal, whether it be from an arbitration court or a court of law, what more do we want if he avails himself of that right of appeal? But there is no appeal against the Arbitration Court in this State except on technical grounds.

The Attorney General: What nonsense!

Mr. FRANK WILSON: The Attorney General knows full well there is no appeal. There is an appeal on technical grounds as to whether a dispute arises or not, but if it is anything in regard to wages or conditions of labour there is no appeal against the decisions of the Arbitration Court.

The Premier: There have been several decisions upset on appeal to the High Court.

Mr. FRANK WILSON: On technical points, and not on details of the awards, as the Attorney General will tell the Premier if the Premier likes to consult his colleague. But the difficulty has always been to get the men to go to the court, and a greater difficulty has always been to get them to abide by the decisions given. I object most strongly to the clauses in this Bill which propose that the president of the court shall be an individual, either a lawyer or a layman, appointed by the Government. With the best intentions possible a Labour Government will make an appointment of some person with Labour tendencies, and the same thing would apply to a Liberal Government, if they were in power. That would be the tendency naturally.

Mr. Green: That is your personal experience.

Mr. FRANK WILSON: Will the member for Kalgoorlie kindly relate his own personal experiences and leave mine alone. With the best intentions possible I am satisfied the Labour Government are likely to appoint a president with Labour tendencies; and the appointment is for life; there is no removing that president; the only thing that can remove him is a motion carried in both Houses of Parliament, and then only on the grounds of proved misbehaviour or incapacity.

Mr. George: Or giving an award that does not suit.

Mr. FRANK WILSON: I do not think the giving of an award which does not suit either side can be termed incapacity. I think we will find the president will be there for life, notwithstanding he may be biased towards one side or the other. If we are to have an Arbitration Court it is much better to have a president as at present, the judges themselves deciding as to which of their number shall take up the position. I do not argue for a moment that a judge is the best man to preside over the court. He has not the same practical knowledge, perhaps, as an outsider may have; but still he is impartial, as the very appointment he holds as judge of the Supreme Court makes him absolutely impartial; and he can decide between the two parties, employers and employees. It would be better still if the Premier and his colleagues had adopted what I and my colleagues had intended to do had we remained in power, that is, brought in a measure to establish wages boards in place of our Arbitration Court. With wages boards we can get the practical experience and practical decisions of chairmen appointed by the parties interested in the industries in which there are disputes. There are, perhaps, more than 100 wages boards in Victoria, and the decisions of those boards have been satisfactory to all parties concerned. It stands to reason that if we get men who are conversant with the industry sitting round a common table, discussing the merits or demerits of their dispute, we are more likely to come to a satisfactory and lasting settlement than if they went before a tribunal such as we have in Western Australia today.

The Premier: That does not work out in experience. There were three or four strikes proceeding in Victoria when I was there recently.

Mr. FRANK WILSON: You will have strikes anywhere. The system adopted

in Victoria is the most satisfactory system in force in the Commonwealth.

The Premier: With all the faults of our system we have had the least number of disputes.

Mr. FRANK WILSON: I have already pointed out that most of the settlements have been arrived at by mutual conciliation between employers and employees, by the parties coming together just as they would with a wages board, and settling the matter from a practical knowledge of the industry concerned. If we had a system of wages boards going for a year or two no one would dream of going back to the arbitration court principle. Of course the representatives on either side, masters or men, have the right of appeal to a judge of the Supreme Court, who is appointed a court of appeal for the purpose. That is a safeguard; because the minority may perhaps not be satisfied with the decision, and they can then submit it to the judge's decision in case of need. I am given to understand that in a majority of cases the decisions of wages boards in Victoria have been eminently satisfactory to all concerned.

Mr. B. J. Stubbs: Except the employees.

Mr. FRANK WILSON: On the hustings the Premier declared that my object and that of my colleagues in declaring in favour of wages boards was to smash up the trades unions.

Mr. Green: Hear, hear!

Mr. FRANK WILSON: I do not know whether hon. members are cheering the idea of smashing up trades unions or merely the statement the Premier made, but I take it they do not wish to smash up the trades unions, and I do not think wages boards would have that tendency. Certainly the idea never entered my head or anyone else's; but I go this far, that if it would kill the professional agitator, the man at the bottom of all these troubles, it would do great service to the industry and to the men and their masters.

The Premier: How long were you a professional agitator?

Mr. FRANK WILSON: I never was.

The Premier: You were paid to appear in the court.

Mr. FRANK WILSON: Yes, as an advocate.

The Premier: It is the same thing. You were paid to advocate 6s. 6d. a day.

Mr. FRANK WILSON: What is the good of repeating that childish statement?

The Premier: It is true all the same.

Mr. FRANK WILSON: It is absolutely untrue.

The DEPUTY SPEAKER: The hon. member must not say that.

Mr. FRANK WILSON: Is the Premier allowed to say it is true?

The DEPUTY SPEAKER: The hon. member knows full well he is transgressing when he says that what another member says is untrue.

Mr. FRANK WILSON: Then I can deny it. The fact that 6s. 6d. a day was on a citation in a case I never appeared in does not prove I said it.

The Premier: You put the citation in, and you were retained as advocate.

Mr. FRANK WILSON: I did not draw it up. I put the citation in but never appeared in the case. And there was only one item of 6s. 6d. in the whole 50 or 60 different rates of wages. Is it fair? What was the work of the timber mill employee to be paid 6s. 6d. It was the work of a tailer-out on a picket bench. If the hon. member knows anything about it he knows it is not a man's work.

The Premier: You made it apply to all over the age of 21.

Mr. FRANK WILSON: It does not matter a rap. I did not make it out. I took my brief just as the Attorney General takes one from the hon. member, whether he believes in it or not, and goes into the court and fights for it. I paid better wages all the time I was employing labour than most masters, and the hours were shorter.

The Premier: You were a paid agitator then.

Mr. FRANK WILSON: An advocate in a case, I repeat, is not a paid agitator. I think it is about time that the Premier remembered the dignity of his office and not repeat this scandalous and childish charge which has been made against me and scattered broadcast throughout the State. It is not a manly position for the

Premier to take up because he cannot substantiate the charge. I was the first man to reduce the hours of labour among the timber workers in this State and without their solicitation, and others had to follow my example. The Premier should drop this pin-pricking policy about that one item—which was for a boy's work—as a proof that I have advocated 6s. 6d. as a man's wage. Returning to the subject of wages boards, I proposed them because I am thoroughly of the opinion that such boards would bring the masters and men into more harmonious relations. I would encourage conciliation and that friendly spirit of compromise which all must admit is essential to the profitable development of this State and the employment of labour and capital. If I hold those opinions, surely I am right in suggesting to the Premier that rather than introduce a measure of this description, he should adopt the course I mapped out and let us have wages boards which would bring about satisfactory relationships. If our country and our industries are to prosper, and if our people are to be contented, we must stop the bitterness which imbues one class of the community with the belief that they can do without the other class, and do all in their power to injure or destroy them. I oppose the Bill on these grounds—firstly, it is drafted in the interests of one class of the community, and that is labour; secondly, on the ground that it encourages trivial disputes and disagreements between men and their employers; thirdly, it encourages a person who lives by agitating—which I never did—and causing trouble between the employer and the employee; fourthly, the Bill enables a union to drag others into the courts whether they wish it or not—a union which has no direct interest in the matter under dispute; fifthly, it places the most minute details of an industry under the control of the court whose functions, to my mind, should be confined to wages and hours of labour solely; Sixthly, it makes the appointment of the president of the court a political one and most likely taint it with the views of the party then in power; and seventhly, it enables the court to give preference to unionists or to any other class of labour which I think is the most disastrous power of all. I have made my position clear with regard to the measure; I can see no good in it. It is going to multiply the causes of dispute; it will multiply tenfold the cases submitted to the court; indeed, as I interjected when the Attorney General was speaking, he will require more than one court to try all the cases which will be brought before it under this Bill. When we have differences of opinion to be tried by a court of this description, where is it going to end? Differences of opinion may apply to anything, they may apply to conveniences or facilities in the building in which the operatives are working, they may apply to the most trivial circumstances, under which perhaps a person has to carry out the work he is engaged upon, and I think it must appeal to all that it will be detrimental to have trivial matters of this sort submitted to a court. We hope at any rate that we have got reasonable men on both sides in the industrial world and we hope we have some reasonable employers, and I do hope also that these are some reasonable leaders of labour in this State. I believe there are. If they cannot settle these trivial matters without invoking the aid of an expensive tribunal of this description, the result will be to hinder the development of our natural resources. I find no good in the Bill and therefore I intend to oppose it to the best of my power.

Mr. UNDERWOOD (Pilbara): The leader of the Opposition concluded his remarks by saying that he could see no good in the Bill. That in my opinion would be fairly strong recommendation to this side of the House to adopt it. We have had about 20 years' experience of the hon. member in connection with labour matters in this State and we know beyond shadow of a doubt that he has always stood on the side of low wages and bad conditions for the workers. When he can see no good in this Bill, then, I repeat, it is a strong recommendation to us to adopt it. I just wish to refer to one or two points which were brought

forward by the leader of the Opposition. He desires to see contentment in the various industries and I am sure we all agree with him in that desire. I am afraid, however, that his idea of contentment is when employees are in such a position that they have to take absolutely what the employer will give them and when they have no one to speak for them and are not able to answer back. That that condition exists in the industries of Western Australia the leader of the Opposition will be perfectly satisfied. The leader of the Opposition claims that a few men at Kalgoorlie have shown that they absolutely control the mining industry. The position is this; the engineers have asked for some conditions which they think fair and reasonable for the labour they are supplying. The mine owners say they will not accede to the requests. Who is causing the dispute, the men who are selling their labour or the men who are buying it? The dispute can be settled quite easily by either the engineers withdrawing their demand or the mine managers conceding it, and it is no one more than the other who is causing this dispute. We desire to improve the methods of the court which will settle differences, and in doing that I contend we are making a genuine effort to bring about that peace and contentment in the industries which the leader of the Opposition professes to desire. With regard to the statement of the hon. member that he does not believe that men should be slaves, I made the statement by way of interjection that he was paying 6s. for ten hours' work. When he was in the Canning Jarrah Mills there were any amount of men (this is 20 years ago) who were working for 6s. a day of ten hours, and that can be proved at any time. That has been stated, not by myself, but by a Government supporter. These were the conditions when Mr. Wilson came here, and they have improved since he came. On the other hand I pointed out they had not improved with his consent but in spite of him, and with the assistance of the blatant leather-lunged agitator. I would call your attention, Mr. Speaker, to one or two matters in our midst to-day. At the present time we have women who are fully grown, working for Foy & Gibson and other rag dealers for from 7s. 6d. to 12s. a week and they have to keep themselves.

Mr. George: That is not right.

Mr. UNDERWOOD: Of course not, but there is no dispute, no loud-mouthed agitators there, everything is peace and quietness and contentment, and it is this state of affairs that the member for Murray-Wellington and the whole of the members on that side of the House desire to see brought about in this country.

Mr. George: Nothing of the sort.

Mr. UNDERWOOD: The hon. member says nothing of the sort. Why does he not try to alter it? The hon. member is not in favour of that sort of thing, yet when we make an attempt to do anything to relieve these people, to see that the people are paid something approaching a living wage the hon. member opposes it and he goes into the highways and byways and tells the unsophisticated cockie about the loud-mouthed agitator. There is another class of employees who have no agitators and who are working in peace and contentment in the State. They are practically the odd men of Australia. I refer to the bank clerks. They work under conditions which do not allow them to get married. When speaking on the marriage question here the other day I was giving the system on which we arrived at the present method of one man one wife, when the Attorney General correctly said that there were some men over. These men are the bank clerks. We have institutions paying 20, 25, and 30 per cent. dividends on the money put into share capital and yet we have them employing men at a wage which they themselves admit is not sufficient to keep a wife and family, and they are in that beautiful position of living in contentment and peace and without being worried by agitators. Wherever the agitator is not, the employees are being imposed upon, and so far as I am concerned I wish to say that any agitating I have done has been to better the conditions of the workers in the Commonwealth, and I am pleased to say that these conditions are being improved and I feel sure that they

will be still further improved. I am also sure of this that when you get them as docile as bank clerks or as Foy & Gibson's girls their conditions will be bad and will get worse. I have very little further to say except with regard to this fallacy of sitting round a table. I believe I was a member of one of the first boards of conciliation in Australia and for a time we did remarkably good work in the way of settling disputes by meeting round the table. But there came a time of depression, owing to the introduction of machinery in the trade, when the employers would not meet us around a table, and that was the end of it. It is of no use meeting around a table by yourself; there must be two of you, and if the employer thinks he can get better terms by starving his employees into submission he will not come around the table. As soon as he arrives at the conclusion that it would pay him better to stay away from the table he stays away with conspicuous success. I would like in conclusion to point out that they have tried this sitting around a table quite recently in England. After that great battle of the bottles of a few days ago, the Government of Great Britain intervened and arranged for conciliation meetings, for this very same sitting around a table. What has been the result? We read in this morning's paper that the railway men will not accept the conditions offered, and I do not blame them. We have absolute proof in England to-day that sitting around a table does not settle a difficulty. In my opinion it is the duty of the Government to settle that difficulty, and if the Government cannot do so, it is the duty of the ment to settle it, and personally I hope they will use something more effective than bottles.

Mr. GEORGE (Murray-Wellington): I hesitated to rise so early in the debate because I would rather there had been a few more on the other side to let us have their views before us on these matters. The last speaker made some reference to employees at Foy & Gibson's, and he did me the questionable honour of suggesting that I welcome the conditions which he says these people suffer under to-day, and that I would welcome it if they were made even worse. The hon. gentleman should remember that he is not addressing an outside meeting, not carrying on the profession which he appears to glory in, and has practised for some time past, namely, that of stirring up strife, but that he is a member of the Legislative Assembly, which meets, not for the exchange of accusations and Billingsgate, but for the exchange of views which will be for the benefit of the people of this State. We are met here for the purpose of discussing measures and hearing views of all shades of opinions, with the one aim that the result of our deliberations shall be for the benefit of the great majority of the people; and I demur that debate should be so dragged down as to come on the level of Hyde Park dissertations and the harangues to be heard on the Esplanade.

The Premier: You are on a pedestal as usual.

Mr. GEORGE: It is not a question of standing on a pedestal at all. The hon. member's position is an honourable, and should be a dignified, one; but that some should wish to bring a little calmness into the debate is no reason why we should have gibes from the Premier. So far as this measure is concerned no member in the House is more desirous than I am that the proceedings of the Arbitration Court should be made easy. I have appeared there as an advocate, and may do so again, and I have seen cases in that court hindered by technicalities which I would have preferred to see kept out; because when there is a dispute it is better that the employer and employee should get a grip of the whole question as soon as possible. If the Bill will assist that purpose it will do good. If it tends to the making easier of settlement the conditions between employer and employee it will do a tremendous lot of good, but if, as I fear, it makes for enlarging the facilities for bringing in trivial matters which should never go into court I certainly think it will not do good. I remember when the first arbitration Bill was brought before Parlia-

ment, and I recollect a good deal of what was said by its advocates. It was prognosticated that we would hardly be able to take up a newspaper without hearing that some industrial dispute was going on, and that is the case to-day. The present Act has been in force for nearly nine years. We have had nine years of arbitration and conciliation in the State, and who shall say that we have industrial peace even within a measurable distance, who shall say that the operations of the Bill have improved the relations between employer and employee, who shall say that the employer feels less nervous about employing his capital and enlarging his business than he was previously, or that the employee feels that it is his part to give more assistance to his employer? We can only judge the future by the past, and I say the 1902 Act has not given to the workers anything like the proportion of benefit which its advocates claimed it would give. It is nonsense to look back to conditions of 40 years ago; they were damnable, and I rejoice that they have been altered.

[*The Speaker resumed the Chair.*]

Mr. Lander: What about existing conditions; what about the women workers?

Mr. GEORGE: The conditions of 40 years ago do not prevail to-day, and I am glad of it. Indeed, the conditions of 20 years ago are unknown to-day.

Mr. Green: Thanks to the professional agitator.

Mr. GEORGE: No. If the hon. gentleman knows anything about what happened in the timber trade 20 years ago he will be aware that the improvement is not to be ascribed to the agitator. In those days there were two principal timber concerns in the State, one of which was managed by myself, and the other by Mr. Wilson. The conditions then were that those who owned these enterprises did not know which way to turn for the wherewithal to carry on. Indeed, it was questioned whether the industry should not be shut down. The jarrah industry was started in 1870, and no one had been able to make it pay. I do not say that that should have been accepted as a reason for keeping wages low, but I want to draw attention to the fact that the conditions of the times at which the industry is carried on must be taken into consideration.

Mr. Underwood: Did you pay 6s. a day for 10 hours?

Mr. GEORGE: Less than that; some of the men were getting 5s. a day for 10 hours. But we altered all that. The markets of the world had not then been opened to us, and, consequently, whatever was produced from the mills did not return sufficient to pay even the low wages ruling, and certainly could not pay the investors for their capital and brains. One of the reasons why the timber industry has since profited is to be found in the enterprise of men who forced the markets of London and other places and so were enabled to get a better price than previously, while timbers with which our timbers had been competing were largely cut out. The result was that better conditions obtained both for the men and the employers. But it is not quite fair that the hon. member opposite should make out, as he does, that all employers must necessarily be cormorants and blood suckers. Such employers there may be, but there cannot be many, because the conditions would not permit of it. If Foy & Gibson's girls are working for 10s. a week, and have to "find" themselves, I say it is a shame and should be remedied. If remedied, then necessarily the prices of the articles which the firm sell must rise in proportion, and those who buy them will have to pay more for them; still, this were better than having the girls inadequately remunerated.

Mr. Green: Could not the firm be satisfied with smaller profits?

Mr. GEORGE: I have no knowledge of what profits the firm makes, so I cannot answer that.

The Premier: All the rag merchants are doing pretty well.

Mr. GEORGE: Probably you are pretty well acquainted with the rag trade. I am not. I am an engineer. But if these women and girls are working for a sum which will not decently

feed and clothe and house them it is a shame and should be remedied.

The Premier: How are you going to better it?

Mr. GEORGE: Let them form a union. The only union we have not in this State is a union of all members of the Chamber. Everyone else has a union. I heard the other day that it is proposed to form a union to get new seed potatoes to grow eight hours a day.

The Premier: Where have you been visiting—the lunatic asylum?

Mr. GEORGE: Had I gone to the lunatic asylum I am certain the first inmate I should have met there would have been the hon. gentleman. I also agree with what the leader of the Opposition has said with regard to the probabilities of appointing a president of the court. Now I do not want to make any insinuations as to what the Government may do, whether the Labour Government remain in power, or whether we replace them, as we shall do, but if we are to get people of all classes to have that confidence which they should have in those who have to deal with these matters, we must place them in such a position that they cannot be attacked in any way in which this Bill will allow them to be attacked. It is all very well to say that the president is placed there for life, except that if in the same session an address from each House of Parliament is sent to the Governor, charging this gentleman with either having misbehaved himself or proved himself incapable, he may be removed. But who is to judge on the question of incapacity? If the Government place a gentleman in that position they do it because they believe that his career, his ability, and his attainments, are such that not only will his decision be received with respect, but it will also be entitled to demand that respect. Yet we place this man there, and if his judgments offend any dominant section of society, a section which has a dominant power in this House and the other House, what is to prevent that section removing the man from office?

The Premier: Common sense, of course.

The Attorney General: Is not that the law in regard to the Supreme Court today?

Mr. GEORGE: That is a question which the hon. gentleman can answer better than I can.

The Attorney General: And I do answer it. I say that the position is precisely the same as in the Supreme Court at the present time.

Mr. GEORGE: There is a great difference between the functions exercised by a judge in the Supreme Court and those exercised by a judge in the Arbitration Court.

The Attorney General: They are the same persons now.

Mr. GEORGE: That may be, but the functions of the two courts are entirely different. In the Supreme Court a judge has to deal with cases in which only a few individuals, or a firm, are concerned—either a question of fraud or ordinary litigation, or a criminal matter. That is very different from an industrial case in the Arbitration Court. It is scarcely likely that Parliament would be moved to remove a judge because his decision in an ordinary case did not appeal to a section of society; but when we place a man at the head of an Arbitration Court we ask him to deal with matters that affect a large industrial section of society, perhaps a number of unions and a number of employers. His decisions may directly affect only one union, but all the unions are so tightly bound together that if they feel it would be desirable to remove a judge, because his decision in any particular case was not as they wanted it, they would exercise a very strong influence to bring about his removal.

Mr. O'Loghlen: Unfortunately we do not find that so. The unions are not so united.

Mr. GEORGE: I would be glad to hear from the hon. member any evidence of disunion. I thought they were very closely bound together.

The Attorney General: You would like them all to hang together.

Mr. GEORGE: Not in the sense which the Attorney General means; it would take too much rope. I would not like to

see the unions disbanded, if hon. members will accept my assurance on that point, but what I would like to see in connection with the unions is that they should not be used as political bodies because I do not think it is right.

Mr. Heitmann: Tell us why.

Mr. GEORGE: I certainly do not approve of the provision with regard to the president of the court, nor to that relating to the preference to unionists, but I do not know whether it is really worth while saying very much against it, for the simple reason that when the Commonwealth Government have declared so emphatically as they have done their ideas on preference to unionists, I can only conceive that the present Government are simply following the lead of their superiors on the other side. If, however, this preference to unionists is carried out to its logical conclusion the result will be, I think, that everybody will have to join a union, and when everybody does join a union the common sense of the people will assert itself in the unions in the same way as it is heard outside of the unions to-day. When that is done I believe there will be hope for industrial peace which we have not got at the present time.

Mr. Heitmann: That is what we are fighting for.

Mr. GEORGE: Well, I am not too bad a fighter myself.

Mr. Heitmann: In your own estimation. We do not think much of you.

Mr. GEORGE: It is a good thing I am a little deaf on occasions. There is another matter which the Bill deals with, and that is the rate of wages to be paid to the average workers, having regard to any domestic obligation that he may have incurred. That is very paternal on the part of the Government. They are looking after him in a very good way—the same Government who brought forward a Divorce Bill the other day, and the same Government as have a supporter who stated that they were weakening the marriage tie.

The Attorney General: When did the Government bring forward a Divorce Bill?

The Premier: That was not a Government Bill; it was a private measure.

Mr. GEORGE: Did not the Government bring forward a Divorce Bill? It is the members of the cross benches who are the Government. However, as far as the rates of wages are concerned, I do not care what rate of wages we pay providing the industry in which the worker is engaged will, from the work done, pay his wages and give a reasonable return on the capital invested. There is no more difference in calling wages 8s. or 10s. or £1 a day, than there is in calling a coin a farthing, a shilling, or a pound. If the pound to-day will only purchase what 5s. purchased 50 years ago, then the pound is only the equivalent of the 5s., and if the wage of 10s. or £1 a day will return itself in what is produced, what does it matter what the rate of pay is? If the Government want to complete the circle right through, then let them assure to the employer that he will get for his product as much as will pay back the wages and give him a fair return for his capital, his time, and his brains. Let us take a step further and deal with the case of the farmer. This court will fix up the wages which the farmer has to pay his workers. Very well. The Government also are going to bring down the price of living. Very well, again. But people must engage in those pursuits to produce the food, and are the Government going to insure the farmer, the sheep grower, and the cattle grower, against bad seasons?

The Attorney General: We are going to protect him against rings.

Mr. GEORGE: Are they going to protect him against a drought such as we have had this year?

Mr. Heitmann: Do you say that a man should work for lower wages because there is a bad season?

Mr. GEORGE: I am not advocating low wages.

Mr. Heitmann: I have heard you advocate 6s. 6d. per day for railway employees.

Mr. GEORGE: I have no doubt the hon. member did, and if he had been there he would have advocated 5s. a day, but he was not there. I am desirous of show-

ing the Government that there are a few further steps they can take. Every labourer is worthy of his hire. Some men work with their hands and some with their brains, and if a man works with his brains and embarks his capital in an investment he requires a guarantee that he will get a return for his outlay of capital, time, and talent.

Mr. Munsie: If you had given the labourer an equal opportunity all through he would have been satisfied.

Mr. GEORGE: The hon. member does not know me, or he would not make that remark. There are some other remarks which I will make in Committee, but I do not think I need say much more at this stage. However, the leader of the Opposition made reference to the trouble with the engine drivers in Kalgoorlie at the present time. I do not know the full details of that matter, and if I did I am not sure that I should go into them here, but it seems to me that there is something very wrong, which this Bill at any rate does not put right, when there is undoubtedly a dispute between employer and employees, and the matter is not taken to the tribunal provided by law.

The Premier: It would be if this Bill were in force.

Mr. GEORGE: It can be taken now.

The Premier: The position is totally different.

Mr. GEORGE: But it could be taken to the Arbitration Court now if they desire to take it there; I am satisfied about that. And why do they not?

The Attorney General: Why do not the Chamber of Mines take the matter there?

Mr. GEORGE: I do not know anything about the Chamber of Mines; I have never been in the Chamber and I know very few of its members. But here is a trouble which apparently is going to hang up 10,000 or 15,000 workers; I do not know how many there are in the industry.

The Premier: 6,000.

Mr. GEORGE: Well 6,000. But if it would hang up only 100 workers it would be serious, and yet I am informed by the leader of the Opposition that the mine owners desire the matter to be taken to the Arbitration Court, and have stated that whatever the decision is they will make it retrospective. Surely there must be something beneath the surface which we do not yet know of, or else this Act is absolutely of no use whatever. I should say that if the Attorney General can find time, which I think he can do now, he should let us have an Arbitration Act which will be fair to both sides, and which will make it imperative on both sides to obey an award.

The Attorney General: So it is.

Mr. GEORGE: But they do not do it.

The Attorney General: There are employers who do not, and there are others who do not.

Mr. GEORGE: If there are employers who do it, are they not cited before the Arbitration Court for breach of an award?

The Attorney General: Not in every instance.

Mr. GEORGE: Well that is not the fault of the Act. It might be stated that any workmen who do not obey an award can be cited. Where are they? It is easy enough for them to go away, and they do so.

The Attorney General: So is it easy enough for the masters to go.

Mr. GEORGE: If the Attorney General wishes to give the same amount of security and confidence to employers in this State, let him make it that all disputes shall be brought forward by the unions, and only by the unions and that the unions in their corporate capacity shall be responsible for the awards being obeyed.

The Attorney General: You will find that is the tendency of the Bill.

Mr. GEORGE: If so it is very well disguised.

The Attorney General: Clauses 4 to 7 recognise the industrial union instead of the individual worker.

Mr. GEORGE: That is right enough. It is provided for in the Arbitration Act, and all the trouble about getting disputes to the court has been because the procedure laid down has not been carried out.

The Premier: It cannot be carried out. It is impossible in some cases. Take the miners' union at Kalgoorlie. To get a dispute it would be necessary to hold a meeting on the racecourse to get all the members present, and it would be necessary to have the police there to tally them.

Mr. GEORGE: I can tell the hon. member a stronger instance, and that is the case of the timber workers. I agree to altering that; but let us go a step further, without any idea of injuring the unions. If they are to take the position of advocates and deal with the matter, let them take the same responsibility to see that their members carry out the awards as the employers have to do.

The Premier: So they do.

Mr. GEORGE: I differ.

The Premier: Well, they will under this.

Mr. GEORGE: They do not. That is where the trouble comes in. If I had a dispute with my engineers who, as a rule, are reasonable men—and that is why I am so troubled about that dispute at Kalgoorlie—and if an award was given against me, and I committed a breach of that award, whatever penalty was put on me would be distrained on my plant and property, and I would have to pay. I do not say that is wrong, but supposing the men do not agree with an award and drift off in twos and threes and leave me without men.

The Premier: You can fine them three times as was done at Collie.

Mr. GEORGE: That is probably the first instance that has ever come about. But I am not so anxious to punish the individual in that way. I claim that if the unions take up the position, then let them take up the responsibility, the same as the employer does. If the hon. member can prove that this is the case, it will set my mind at rest, but I am satisfied the bulk of the employers in this State say it is not so.

The Attorney General: The bulk of the employers in this State are very fond of misrepresenting.

Mr. GEORGE: The bulk of the advocates on the other side are very fond of misrepresenting, and do it more largely because there is a greater number of them.

The Premier: We could not control every union in the country.

Mr. GEORGE: Certainly you can; with your powerful organisation you can control anything.

The Premier: We cannot control you.

Mr. GEORGE: I quite admit the hon. member cannot, and he is wise enough not to try.

The Premier: You are a very small unit in this community.

Mr. GEORGE: Sometimes there is a greater amount of strength in a small unit than in a big body.

Mr. A. A. Wilson: Hear, hear!

Mr. TURVEY (Swan): I welcome this amending Bill, and I rise to speak very briefly upon it, and to express my amazement at the opposition raised to it by the member for Murray-Wellington, together with the leader of the Opposition. Much has been said in the past by hon. members now occupying the Opposition benches with regard to the proposal to establish wages boards, and they wonder why this system has not been put into operation instead of this Bill. One of the reasons probably why those hon. members now occupy the Opposition benches may be found in their advocacy of wages boards in preference to the amending Bill before us. It is surprising to know that, notwithstanding the altered conditions and progress of the times, we find no attempt has been made since 1902 to meet those altered conditions so far as workers are concerned; and I should have thought that members, even Opposition members, would have welcomed this Bill. Too much has been said in the past, and reference has been made this afternoon, as to what is known as a living wage. I hope that in future we will hear very little in this Chamber of what is called a living wage. I hope the time will not be long when the worker will come into his own and be in receipt of what is more than a living wage. One can get that even if he is getting but 1s. a day; he can eke out an existence on that: but surely a worker is justly entitled to more than

that. The leader of the Opposition said he could see no good in the Bill. I quite agree with the member for Pilbara who said that was one of the finest recommendations for the Bill. There are evidently those still in our midst who would like to see the workers kept in the state of subjection they were in in the period of decadent civilisation, who would like to see the workers back in the times when they were serfs or bondthralls, part and parcel of the lord's estate, when the workers were, as we find the dog to-day, compelled to wear a leathern girdle round the neck with a brass tablet bearing the name of the thrall. Evidently we have those in our midst who would keep the worker in the same state of subjection. Happily the people of Western Australia have shown that the masses are being more educated and enlightened; and they have placed in power, for the present period at any rate, the party which has placed before them a policy for the betterment of the conditions of the working classes and giving something more than a living wage to the workers. The leader of the Opposition referred to professional agitators, and the member for Murray-Wellington made reference to what is called Billingsgate language indulged in by this side of the House.

Mr. George: The hon. member might turn his memory over. I never used the words. I said that last session there was any amount of Billingsgate.

Mr. TURVEY: The hon. member said he wanted argument and reason instead of Billingsgate. Let us hope before this session is finished he will have proof that there are men on this side capable of giving that, and probably incapable of giving as much Billingsgate as might emanate from some members on the Opposition benches.

Mr. George: They must prove it by their speeches. I have not to do so.

Mr. TURVEY: Reference has been made by hon. members to the professional agitator. I notice among my friends on this side of the House some who have been termed professional agitators, and I am proud indeed to be associated with such men and class them as my firmest friends. After all, these men designated professional agitators to-day are responsible for the betterment of the workers and the benefiting of the masses generally. But for the professional agitators, as they are termed, what would be the condition of the workers to-day, what would be the wages? Probably back to the old wage of anything from 4s. to 5s. a day. Owing to these so-called professional agitators the masses are becoming more enlightened; and owing to that enlightenment, we find to-day the Labour party occupying the position they do on the Ministerial side of the House. One of the features of the Bill that I think should be welcomed from both sides of the House is that giving clerical workers the opportunity to place their grievances before the Arbitration Court. It is an innovation which I am sure will be welcomed throughout the State. I never could see why these rights were denied to the clerical workers, that were given to the manual workers. I failed to see why the clerical workers who did not come under the operation of the Public Service Act were so long denied their right to approach the Arbitration Court. I remember two years ago that I was instructed by a very strong union to approach the Arbitration Court and state a case for the clerical branch to which I belonged. It was a case on behalf of a number of married men who were in receipt of a wage of from £80 to £90 a year, but I found it was impossible under the Act for us to do so. I am pleased this Bill makes provision to give the clerical workers the right to approach the court and place before it such cases as that to which I have just drawn attention. Judging from the opposition raised to this Bill, it is evident that the member for Murray-Wellington is opposed to a measure which tends to nip industrial disputes in the bud and prevent industrial strife arising, and prevent any great dislocation of trade and the consequent suffering put on the people generally and not on any particular class.

Mr. George: You have put a wrong interpretation on what I said.

Mr. TURVEY: The hon. member is opposing this Bill.

Mr. George: There are portions of the Bill which I approve of entirely. That is not opposing the Bill.

Mr. TURVEY: Already hon. members opposite have expressed their disapproval of the particular part of the Bill to which I now refer. However, I feel satisfied that the Bill will be not only for the betterment of the working class but it will be to the advantage of the people of Western Australia, and it will bring about better wages and better conditions all round. If we have these improvements then we shall have an opportunity of building up in this grand State of ours a better, healthier, stronger, and finer type of citizen.

Mr. CARPENTER (Fremantle): Like the last speaker I intend to be brief in my remarks upon this Bill. Possibly I should not have spoken at all had it not been for the speech of the member for Murray-Wellington. I listened with very much interest to his remarks, perhaps for the reason that the hon. member and myself have stood in the relation of employer and employee, and I confess that within certain limits I found the hon. member fairer than some employers under whom I have worked. Having said that I want to add that the hon. member, when he was in that position with regard to myself, always maintained his own idea of the rights that he possessed as an employer, and that was to have the final say in anything affecting himself and those employed by him. The hon. member voiced his objection to political unions. I am quite aware that in giving utterance to these sentiments he then represented perhaps the general opinion of those on his side of the Chamber. There are many who have got to that stage of their mental development, if I may so term it, that they now recognise the right of the worker to have his union if he will stick to the old union methods and not go into Parliament. The worker to-day has found out that the industrial union, effective as it may have been as a weapon in times gone by, still leaves very much to be desired. and that political action is being found to be so effective that the opponents of industrial unionism generally have sheltered themselves behind their objections to unionism by saying, "It is not so much the union we object to but the political power which these unions exercise." Going back a few years, when I attended the peaceful conference with the member for Murray-Wellington which we have heard so much about this afternoon, the hon. member treated us up to a certain point very fairly. He was jocular and we thought we were going to have a very happy agreement and get almost all which we thought was fair, but quite suddenly he brought us up with a round turn which we did not anticipate, and what was the cause of it? We were advocating on behalf of the men what they considered to be a fair demand, and the hon. member in the presence of a large gathering of delegates suddenly said, "I want to ask the boilermakers' delegates if they are going to agree to what has been laid down." We who were acting for those who sent us there said we could not possibly do that and the hon. member declared, "Then I must ask the delegates to leave the conference," and we were out of court.

Mr. George: It was no use sitting there wasting time.

Mr. CARPENTER: That must be the finality of conciliation when the employer is conciliator, arbitrator and everything else. No matter how peaceable were the demands of the boilermakers——

Mr. George: Or unreasonable.

Mr. CARPENTER: I make no admission whatever as to the reasonableness or unreasonableness of the demands of that or any other union; this is the point, that conciliation comes to a dead stop when the employers, who had the whip hand, says "I will go no further."

Mr. George: I settled with everyone except you, and the agreements are working to-day.

Mr. CARPENTER: The hon. member settled the men in my trade by a court action. I am not going to quarrel with the hon. member because we are good friends, but this is the point I want to make, that there must be in the interests

of the worker something more than the power which is given to an industrial organisation. To-day, not only here but all over Australia, industrialism is growing, and political unionism is growing, and that is proof of what I say, that the worker is not going to rest content with the old methods. I ask the member for Murray-Wellington to go back 30 or 40 years in his career and say whether he considered as a wage earner in those days that the powers he had then were sufficient to protect him against the tyranny of the employer. I am sure he will not. I hold therefore that this Bill is one great step towards giving the worker the means of exercising the political power that he has every right to exercise. The hon. member gave as one of his objections to the existing Act that it had not improved the relations between the employer and the employee. I do not know whether that was one of the main objections to the Act. I believe it has done so because there has not been anything like the industrial strife and bitterness in Western Australia since the passing of the Act that existed before. I will go further and say that the existence of the present Act has prevented disputes which have caused a loss of hundreds of thousands of pounds, and disputes which would have come about if it had not been for the right of appeal to the Arbitration Court to settle disputes and in some cases to prevent them.

Mr. George: Do you think that it has made the relations between the parties more cordial?

Mr. CARPENTER: In most cases, yes.

Mr. Heitmann: Would you go back to strikes?

Mr. George: Never. I know what strikes are. You have never seen a strike in Australia.

Mr. CARPENTER: When this dialogue is finished I will say that employers have come to me as one of those wicked agitators we have heard so much about, and they have asked me to go quietly and organise their employees and get them into a union and take them to the Arbitration Court. They wanted to pay a fair thing, but other employers in the same industry were paying 5s. or 10s. a week less, and they pointed out that this difference in the wage bill would make all the difference between profit and loss. To that extent largely the existence of the present law has improved and is improving the relations between the masters and the men. One other objection I have frequently heard stated by people who perhaps do not think too deeply, is in connection with some dispute and for which the men have come out. In the trams, trains, or in the streets, the remark has been made, "'We thought your arbitration law was going to prevent strikes; we thought that when you got the Arbitration Act there would not be any more strikes," and evidently from conversations with many of these people their only conception of arbitration is something to prevent the worker from going out on strike, an opinion which still exists in the minds of many people.

Mr. George: Will a strike be the ultimate weapon, if the Arbitration Court fails?

Mr. CARPENTER: I do not know of any other; you cannot compel a man to work if he will not work.

Mr. George: Can you compel an employer to employ a man?

Mr. CARPENTER: No, you can neither compel one nor the other. If a man leaves the service of his employer no power can make him go back, and if a man dismisses his employee I do not know any law which can compel him to take him back. The chief purpose of the arbitration law is to recognise the right of the worker to have some voice in settling disputes. Everybody knows that in times of depression and with a falling market the employee is too often at the mercy of the man who employs him; he has to work for whatever he can get. There are two or three other men waiting for his job, and when that position exists the worker is the victim of circumstances.

Mr. George: And the employer may be too.

Mr. CARPENTER: Possibly; I have never lost sight of any reasonable ground that the employer may put forward in making an agreement between himself

and his men. I do not think the arbitration law was ever designed to lose sight of the employer but it was designed to adjust differences and give the employee what he did not possess before, and that is to secure for him fair wages and fair conditions. I want to claim that generally speaking, the worker is loyal to the arbitration law and the decisions of the court. I know there are exceptions but they have been few and far between, and there have been reasons at times for the workers refusing to accept the decisions of the court when they have been so palpably unjust, if I may use that term, that one cannot wonder at the men concerned refusing to accept those decisions without demur. The awards have not always been consistent. I remember a case some time ago, I think it was that of the carpenters. Although the carpenters at that time were getting 11s. 6d. and 12s. a day, the court fixed 10s. 6d. as the minimum rate. There is no reason whatever in that. The hands of the court have been tied all the time in the matter of the minimum wage. They have stated just recently again that they have only power to fix a minimum rate of wage, and not an average rate ; and we recognise that this has been a limitation which, perhaps, has been taken advantage of by the employers' representatives ; because since first it was laid down by the court that the minimum wage was only to be paid to the least competent men employed in an industry, we have found the employers all round cutting down the best men to the minimum rate, and the men have come out in protest against such an interpretation of the court's ruling. Just recently, in the case of the limeburners, Mr. Good stated that, although the minimum rate of wages was fixed at 9s. 6d. per day, it was only because the court were authorised to fix the minimum and and not the average rate. In this case although some of the men were getting 10s. a day the court fixed 9s. 6d. as the minimum rate. Under the circumstances it is not to be wondered at that at times men should rebel against the findings of the court, although in nine out of ten cases they have loyally accepted the decisions of the court, even when they thought such conditions were not quite fair to themselves. The discontent that has manifested itself has been very largely owing to what we now recognise as facts, facts which I think the Bill will go a long way towards remedying. It has been said that the unions themselves should be responsible for the enforcing of the award. I would like those who make that contention to point out how it can be done. The feeling is growing on the part of some of our best unions that when they have gone to the court and the court has made a fair award, if any section of that union should do anything in defiance of the award and of the union, then there ought to be some means whereby the union can control the action of that section. Take the case of the steamer Koombana, now lying at Fremantle ; sixteen of her men, belonging to a union of many hundreds, were working under an agreement, when they left the ship. The union, on being appealed to by the shipowners, sent 16 men over from the Eastern States to take their places. When they arrived at Fremantle those 16 men said the case had been misrepresented to them at Adelaide, and that they found the men here had a real grievance, in consequence of which the new comers refused to sign on. I know that the seaman's union has done everything possible to restore peace, even to the threatening of the rebellious men with fines if they did not go to work as ordered. Yet the union finds that it has, outside its power to impose fines, no earthly means whatever of settling the dispute.

Mr. George : Then they must have a little more sympathy with the employers, when they find they cannot control their own members.

Mr. CARPENTER : I do not admit that they have no sympathy with the employers. They recognise that up to a certain point their interests and those of the employers are identical. But I say a feeling is growing amongst the best unions that when an agreement is come to, the union should see to it that the agreement is abided by on the part of its

members. But there will be times when, in spite of all efforts, there may be a few men who refuse, for the time being, to carry out the directions of their union.

Mr. George: Would you put those men out of the union?

Mr. CARPENTER: I do not say what I would do; the union must deal with them. In the case of the Koombana the union is under a penalty of £500 for holding up the ship; the obligation apparently is on the union. But there is not this feeling on the part of unions which some hon. members would make out, namely, that they are trying to get at the employers whenever they have a chance. As a matter of fact they recognise the obligations and responsibilities of the employer. The groundwork of arbitration is reason on both sides; and it is the giving of facilities to both sides for coming before the Arbitration Court which has justified its existence so far, and which will strengthen its work, and ought in the future to prevent many of the disastrous disputes with which we are sometimes faced. I look on the Bill as one step towards bringing that about.

Mr. FOLEY (Mount Leonora): I desire to make a few remarks on the Bill, as during the past few years I have had various chances of gauging the efficiency of the Arbitration Act. I find that on going into the matter thoroughly, and reading up the cases that have been before the court, together with awards given, that, as the member for Murray has said, the Act has done but little for Western Australia. I believe the Minister who introduced the Bill has sufficient members behind him to put the Bill through, and therefore it is needless for me to say much; but I think the Bill will confer a benefit on those it affects. We are all striving to get a perfect Arbitration Act. The leader of the Opposition said he thought that by the Bill the members on this side of the House had in their minds the breaking up of trade unionism. He must know that there is nothing further from our minds. In supporting the Bill hon. members are doing more to further trade unioism than any Arbitration Act has ever done. In the past trade unionism in Western Australia was split up into many sections, and if one small section had a trifling grievance it was brought before the Arbitration Court, and the employers of the industry had to bear the expense of contesting a case by which, perhaps, only 15 men were affected. The framer of the Bill has provided against that evil. In the first clause the word "industry" is made to cover the whole question. To some members the value of this will not be as fully appreciated as to others who have had to deal with the Arbitration Court. My knowledge of the question leads me to the belief that in this amendment the Bill is going to benefit the industry as a whole, men and employers alike, in that it will group all the labourers in the industry into one body. Consequently, when a case is brought into court affecting the miners, if the engine-drivers in the industry have a grievance, that grievance can be ventilated; not because they are engine-drivers, but because they are part and parcel of the great mining industry. That is one good reason why every member should vote for the measure. I have always held the opinion that arbitration would never accomplish what it set out to accomplish if a certain clause were not introduced into the measure; I refer to the clause providing that a fair rate of wages shall constitute the minimum. My experience has been that the minimum, as an award given by the Arbitration Court, in 99 case out of 100 became a maximum. Now, if, as the member for Murray-Wellington has said, the rate of wages should be gauged from what an industry can afford to pay, after allowing for a fair amount of profit, then I say it is wrong, no matter what that industry is. If a man is working in a non-paying industry that man's labour, if honest, is worth the same amount of remuneration as if he were working for a firm paying large profits. The member for Murray-Wellington said a little should be allowed for profit to the employer. I say that by the insertion of this particular clause we will announce that if an industry is not in a position to pay a fair rate of wage, if it cannot at-

tain to the standard of excellence the clause says it should, that industry should be abolished; because if it cannot pay a fair rate of wage it is of no benefit to the State. Now let me take one case in point. About two years ago the present president of the Arbitration Court gave an award covering a certain radius. The employees of one mine whom the award affected were given a certain remuneration for their work because the mine was in a paying condition; the mine next to that was also in a paying condition and its employees received the same remuneration, but, in regard to a mine on the north end, because it was not a paying proposition the present president of the Arbitration Court said that the work that the men performed in that non-paying mine was not worth the same as that done by the men working in paying mines. Now, I have worked in the two mines and I worked as hard in the non-paying mine as I did in the paying mine and my earning capacity was no greater in the paying mine than in the non-paying mine. I think the inclusion of this clause proves conclusively that members on this side of the House have in their minds that the ordinary labourer is worth more than the ordinary living wage.

Mr. Mitchell: Should not the worker share in the profits?

Mr. FOLEY: Yes; but at Collie there are various means proposed whereby the employees can share in profits; and if I were consulted in the matter, I would not share in the profits as offered there at the present time. There was reference by some members this afternoon to certain firms in this State, and the member for Murray-Wellington interjected why was it not remedied. It was not remedied because the people in that industry ought to be saved from themselves. The same thing will apply in regard to another clause. We intend to bring in that clause in which the word "worker" is to mean "manual or clerical." I have a beautiful little book in my possession; it is by one of the banks. The leader of the Opposition took exception to the term "serfdom," and I would rather he were in the Chamber now to hear this. If there is anything approaching serfdom in Australia the conditions set out in this book, if true, will show we have yet to learn serfdom is far distant from our shores. The Labour party, or the Government of this State—I am glad to call the Government of this State the Labour party—recognising this, intend to save these people from themselves. The unfortunate men working in a bank now have to sign a document when they enter the service of that bank that they will not join any industrial or trade union. That is an assertion that some members, with all their banking experience, may deny if possible. I have it on the authority of a man who a little while ago was turned out of a bank because he had the temerity to be a good Australian and get married. We are taking up the fight for non-unionists. We have had the fight on our backs all our lives, and I know of no unionist who is not ready to shoulder the burden and help non-unionists; but we wish the good work the unionists can do to attract the non-unionists, and it is the unionists who are trying to get this provision on the statute-book. We are trying to show by our works that unionism is good for them, and we hope to have all those people outside the pale of unionism in our ranks fighting with us. I am sure the framers of the Bill have conferred a benefit and a boon on these people by framing the clause dealing with the word "clerical," and no doubt these people will unite so as to put forward their wants and requirements from a trades union or industrial point of view. I am sure the framers of the Bill should have the best thanks of these men; and though they are not unionists, the effect the clause will have will cause them to be unionists in the near future. There is another clause providing for the peaceful carrying out of an industry. Some members will say this opens up big questions. So far as the mining industry is concerned it will open up a big question; it will open up one question that has been affecting the minds of unionists, not the paid agitators, but the minds of the unionists—and every leader of unionism in this State has as much in his mind as to what will do good

to the State as any member of the Opposition or any member of an institution opposed to these organisations. The organisations through the men on this side of the House intend to put that clause in the Bill, and I know that every man on this side of the House will vote for it; that is, the clause giving the court power to adjudicate in a way so that the industry will be carried on in a peaceful manner. It will give them the right to administrate on the contract question—we should not from a mining point of view call it the contract system; we should call it the "speed up" system—that exists now. I can assure members that, much as I believe in a basis for a minimum rate of wage, I have yet to learn, if the court has only power given to fix a minimum wage and no further power to consider the wants of the men receiving it, that it will do the men any good; but the framers of this Bill have provided for this so that the court will have power to administrate after giving that on which a fair rate of wage shall be based. The ordinary conditions governing an industry can under this Bill be taken into consideration. When they have done that they have done pretty well everything desired of them at present. The Attorney General has told us that he intends at a future date to bring in a Bill covering a greater area than this Bill covers. I hope it will be brought in when the House meets next session. The unions under the present Act and under the Bill will have no stronger tie placed on them. Merely greater facilities will be given them for bringing cases to the court, and greater power is given to deal with cases in a manner which will do most good to the industries. Many things could be said for the present Act. The leader of the Opposition has said the men do not always stick rigidly to an award; but it is not a case of men not sticking to an award; it is not the fault of those who lead unionism, whom the leader of the Opposition is pleased to call "paid agitators." These men have sometimes more at stake than the leader of the Opposition would have in making his remarks or I have in making my remarks now. Sometimes when there is an arbitration case on we find it is hard to get witnesses because victimisation exists so far as the Arbitration Court is concerned. Four months after the Gwalia Miners' Union case was on and an award given one could not find on the mine a man who gave evidence. I knew the men who gave evidence. They could go from the top to the bottom of a mine and do whatever was necessary. Can we think that in the course of four months the men who gave evidence deteriorated to such an extent that their services were no longer useful to the company?

Mr. George: Did any of them leave voluntarily?

Mr. FOLEY: No.

Mr. George: They were sacked?

Mr. FOLEY: Yes. The Bill that is going to do the industries good is also going to do a little good for the workers. It will place power in the hands of the court that some members think they have now, but it is a power which is very hard to administer. I only hope that when the Bill is passed this phase of the question will be taken into consideration. The leader of the Opposition wishes to substitute wages boards, but that is beside the question. He can have his idea as to wages boards. When he speaks of wages boards and conciliation he is speaking of one and the same thing; but we all know that employers and employees in this State would never have come to the good understandings they have in the past come to when conciliating on questions affecting them at the time had they not realised that over their heads rested the Arbitration Court, that was going to go a little further than, from a conciliatory point of view, they would have the opportunity of doing. There are many cases under conciliation that the same thing applies to, of which I have just spoken, with regard to those persons who take part in courts of conciliation. I hope this clause will be passed by the House, virtually giving into the hands of the people a chance of legislating for them from an industrial point of view.

Mr. HOLMAN (Murchison): I regret that there is not sufficient time for the Government to bring down a more com-

prehensive measure. Though the present Bill contains many desirable reforms, there are many others it will be impossible to touch this session. However, we have been asked to-day by the leader of the Opposition and the member for Murray-Wellington who has quoted the length of time we have had arbitration in this State what good has the Arbitration Act done. I would not like to be one to get up and say what would have occurred in this State had the Arbitration Act not been in force. I speak from an intimate and perhaps more extensive knowledge of industrial questions than the leader of the Opposition or the member for Murray-Wellington, and I say the Arbitration Act has been the salvation of the people of Western Australia for many years. I say this —I have said it for many years—that the Arbitration Act is not so perfect as it should be; and I say this also, that any Arbitration Act is not going to be the panacea for all evils in connection with industrial troubles. Still, our Act has saved Western Australia from many industrial troubles that may have brought ruination in different parts of Western Australia.

Mr. George: I quite agree with you there.

Mr. HOLMAN: Then the hon. member should give the principle some credit for having done good. The member for Murray-Wellington said that he was a member of the Assembly when the Arbitration Act was first discussed, and he now says that the Arbitration Act has done some good. The hon. member should give some credit to those who are trying to amend the Act so that it may do more good. In a progressive country our legislation must progress. It is an absurdity then to say that an Act passed 10 years ago will be as perfect as an Act passed to-day. We have heard of the Arbitration Act of New Zealand. In that country the Arbitration Act is amended year by year, and in some years it has been amended twice. There is another matter I should like to impress on members. We heard the leader of the Opposition say that on the Eastern Goldfields it was not the Arbitration Act that had done good, but the leader of the Opposition must know this, the first settlement of an industrial trouble on the Eastern Goldfields, I speak now of Kalgoorlie, was by an arbitration award, and since that time many industrial agreements have been made. What would have been the position if there had been no Arbitration Act in force? There would have been a big strike in 1902 when the arbitration award was made, and there would have been strikes year after year. The same thing would have occurred on the Murchison in 1903. I conducted the first arbitration case there, and in Cue itself that award is carried out up to the present time. Prior to that time they had had industrial troubles, on one occasion for 10 weeks, and many for lesser periods. For years there have been industrial troubles, but of late years the Arbitration Act has had some effect in stopping these troubles. There is one matter which we have heard of often in this State, and that is the professional agitator. The leader of the Opposition spoke about this, but I defy the leader of the Opposition to point to one professional agitator in this country who has not done good work. We have had professional agitators in this country who did not seem to get on as well as they might, and they had to go elsewhere, but these persons have been very rare. Still, the professional agitator, the so-called paid agitator, has not done any harm to the people of the State or the employer.

Mr. Bolton: What about A. J. Wilson?

Mr. HOLMAN: He was the man who was accepted by the other side as their champion.

Mr. George: Who is this?

Mr. HOLMAN: One of those who carried the banner of those sitting in Opposition at the recent elections, but I would like the leader of the Opposition, or any member sitting opposite, to point to any case where a so-called agitator has caused trouble. It is all very well to make statements in this House, and say that the unions are led by the nose by professional agitators. That is all "tommy-rot," but that is a statement which has been made many times. When such a statement is made, I think those who

make the statement should specify the case, so that a reply can be given. I throw out a challenge to the leader of the Opposition. He has not mentioned one instance where that has been the case. I know I have been called an agitator. I have been mixed up in more industrial troubles in Western Australia than any man in this country. I have been mixed up in the longest industrial troubles in Western Australia, but I have never been the cause of one man ceasing work in my life. I have been one of the small means of assisting at times in getting men to go back to work under better conitions. I know full well I am one of those referred to as a professional agitator, yet during the whole of my career in the industrial arena I have never been the cause of any man ceasing work. I have been a member of a union for 27 years. I have taken an active interest in unions for over 20 years, and in this country for nearly 19 years. The first trouble that I was mixed up in was at Nannine in 1893, but I have been mixed up in scores of troubles in this State; still, I have never been the cause of one man ceasing work in my life. If members can prove to the contrary, then I am willing to retire from every public position which I hold now, and I will give a promise not to interfere in industrial troubles in the future. It is no pleasure to any man to have to take part in industrial troubles when he knows there are thousands of men, women and children literally starving, trying to secure better conditions in which they can live. The agitator risks more than anyone concerned in the trouble. Time after time I have heard the statement made by the leader of the Opposition and by the member for Murray-Wellington accusing members on this side of doing certain things, but they cannot bring forth one case to prove what they say is correct. There is great difficulty under the present Act in citing a case for the Arbitration Court, and the necessity for citing a case is thrown chiefly on the unions. The employers should cite their case before the Arbitration Court. I know they have done so in a few instances, but not in many cases.

Mr. George: How many reductions have taken place?

Mr. HOLMAN: I can quote many reductions. From the time I landed in 1893, when on the Murchison, an attempt was made to reduce the wages from four pounds a week to £3 10s. and three guineas.

Mr. George: I am speaking of the Arbitration Court where a reduction of wages has been declared.

Mr. HOLMAN: When I was a Minister there was the Potosi case. In those days they used to post the notice of reduction on the change houses. The same thing occurred at Peak Hill and right through to the North Coolgardie fields. In some instances the reduction of wages was brought about by the employer since the Arbitration Act has come into force, and only in one instance have they been brought to book. On one occasion I remember the leader of the Opposition wrongly condemned the Labour Government for interference in industrial matters. He spoke loud and long on the question that there should be no interference by the Government in industrial matters, yet we have had the late Premier on every possible occasion taking action against the workers.

Mr. Frank Wilson: No, against anyone who breaks the law.

Mr. HOLMAN: I declare that the leader of the Opposition has taken action against the workers on every occasion.

Mr. Frank Wilson: My instructions were to take action against anyone who broke the law.

Mr. HOLMAN: The hon. member condemned members on this side when the law was broken. He spoke against the action of the Government, and said that no action should be taken by the Government in industrial matters.

Mr. Frank Wilson: But you paid counsel to go up there on that occasion.

Mr. HOLMAN: Yes, and I would spend ten times as much to-day for the amount of good which was done on that occasion. Let us see what credence can be placed on the words of the leader of the Opposition.

Mr. Frank Wilson. I deny that we instructed action to be taken against the workers only.

Mr. HOLMAN: You do not deny that you made a statement that no action should be taken, but the hon. member did make that statement in the House, and since that time his Government has taken action against the workers. He said in those days that the Government were responsible, yet the hon. member has taken action against the workers on every occasion when he could take it.

Mr. Frank Wilson: The registrar took action on every occasion.

Mr. HOLMAN: The hon member said the Ministry were responsible.

Mr. Frank Wilson: The Minister took action in your case.

Mr. HOLMAN: The hon. member thought the person against whom the action should be taken was the worker; the person whom he thinks should be downtrodden.

Mr. Frank Wilson: No.

Mr. HOLMAN: But the hon. member has not taken action against them simply because he had not the desire to do so.

The Premier: Have you ever taken action against an employer?

Mr. Frank Wilson: Yes.

The Premier: When?

Mr. Frank Wilson: Against everyone who broke the law.

Mr. George: In the Potosi case action was taken against the employer.

Mr. HOLMAN: No, against the evil-doers, the lawbreakers. The administration of the law has been in the hands of a Government who, on every occasion, would not protect the interests of the worker and give them a fair go. For every case where an award has been broken by an employee it has been broken 50 to 100 times by the employer, and no action taken. I am satisfied that if the Arbitration Act is administered as it should be a great deal more good could be done by the Act, and will be done by the Act in future than has been done in the past. The good that has been done by the Arbitration Act in Western Australia it is almost impossible for us to calculate, but I say that as much good has not been done as should have been done, for the Act is not perfect, and because it is now being amended in the right direction almost every member on the Opposition side has offered the strongest opposition he can to the measure.

Mr. George: No; criticism.

Mr. HOLMAN: Every member who has spoken has said that he will not support the Bill, that he does not think it is right, and that he will offer the strongest criticism, and he condemns the Bill. The leader of the Opposition said that he was going to oppose it on every occasion, and the words used by members on the Opposition side were that they would offer the strongest opposition they could to the Bill. If that is not opposing it I do not know what is. The member for Murray-Wellington when speaking in his high, lofty, dignified manner—

Mr. George: I was putting in my shift.

Mr. HOLMAN: The hon. member was only speaking, so he states, to put in time. I am not surprised at the hon. member condemning the Arbitration Act, and everything else, merely putting in his time. The hon. member in a high and lofty manner at the commencement of his remarks was simply speaking to put in his shift, so he says, and not to gain enlightenment on the measure. We should all try to solve the position.

Mr. George: So I did.

Mr. HOLMAN: Under the present Act it is almost impossible to cite a case, and under the amending Bill this is much simplified; it will also prevent unnecessary friction. There is one matter that has been mentioned. There appears to be great difficulty about the citation of a case, compelling a majority of the members of a union to carry a resolution; but that is not difficult, because as soon as a matter cropped up in our union, which is one of the most complicated, we simply made rules for voting by proxy, so that we get over the difficulty in that way. There should be no difficulty in that matter at all, because that was not one of the serious things requiring attention. There were many much more important than that. One of great importance was that to which strong exception had been taken

by the leader of the Opposition, and that was the provision making it unnecessary for a party to the dispute to be in the employ of the employer. The necessity for that is that on many occasions in this State and in the other States, when trouble threatened, those who were taking part in the dispute were dismissed from their employment and the plea was afterwards offered by the employers that those men, not being in their employment, could have no case against them. It was laid down, I believe, by a ruling of the High Court that unless a man was in the employ of the employer in the dispute he had no ground for bringing forward a case. The result of that is that an employer could, by dismissing the whole of the members of the union, say that there was no case against him.

Mr. George: After the case is cited?

Mr. HOLMAN: Yes, often after a case had been cited that has been done. I had an experience of such a plea in connection with a case I conducted in Coolgardie, when the objection was raised by the employers that the men were not at that time in the employ of the company.

Mr. George: They were very foolish employers.

Mr. HOLMAN: That might be, but on many occasions the same thing has occurred. I do not wish to argue that every employer is unjust. I have met as fair, reasonable and just men amongst employers—men who treated their employees with consideration and justice—as amongst any other section of the community, but at the same time there are other employers who are not just, and these are the men we want to get at.

Mr. S. Stubbs: There are only a few amongst the many.

Mr. HOLMAN: There are a great many of them. At the same time I repeat that I have met as good men amongst the employers as amongst other people. The position is that when there are two classes of employers we must protect the just against the competition of the unjust man. If the just man desires to get on he must either have the unjust employer placed on the same level as himself or he must force his employees down to the level of the unjust employer. The object of members of this House, and of unionists outside this House, is to raise the status of the employees of the unjust master to a fair and reasonable position, so that he will have to compete on an equality with the just employer.

Mr. S. Stubbs: Could that not be done by wages boards?

Mr. HOLMAN: No; we have had the wages boards tried in South Australia and Victoria, and whilst they have done some good, still the conditions of the workers in Victoria and South Australia were such that any system introduced to deal with the position must have done some good. The point we have to consider is which has done the most good. I have travelled through Victoria a good deal during recent years, and I can say that there have been more troubles and misery in Victoria owing to industrial disputes than there have been in Western Australia by 70 per cent.

The Minister for Lands: The position is similar in New South Wales.

Mr. HOLMAN: Yes, it is the same in New South Wales, and I believe also in Queensland. I will admit at once that wages boards in these States have done a great deal of good, but I maintain that any time the conditions of the workers are brought before the public and submitted to reasonable men it is at once seen that something must be done and a little improvement is made. What we want to get at, however, is what will do the most good, and speaking with a knowledge of the two systems, the wages boards and the Conciliation and Arbitration Act—I can claim to have a fair knowledge of the Eastern States because I was in Victoria during the implement makers' trouble and the wood-stackers' trouble—I say that we cannot compare the wages board with the Arbitration Court. There have been many more disputes under the wages boards than there have been in this State under the Arbitration Act. I do not say that the Arbitration Court will settle everything, but it will do the most good, and we should allow it the greatest possible scope to reach every industrial trouble in the State. There is no necessity to go

before the court every time there is a dispute. In the timber industry a short time ago there used to be a trouble every few months. During the last five years, since the big trouble, owing to the efforts of the professional agitators who have been referred to this afternoon, there has been no trouble at all. The disputes have been settled peacefully every time, which is what we desire to do always, but we do not know when the time will come when it will be necessary to go to the court, and we want to have the court open so that it will be possible for us to go there and have the troubles settled without the necessity of ceasing work. We have had the present trouble at Kalgoorlie quoted to-day. Not knowing the details of that trouble I am not in a position to discuss it, but I am satisfied that if reasonable facilities to get to the court had been provided there would have been no cause for the stoppage of work, and I believe that if the Act had been amended as we desire to amend it at the present time there would have been no cessation of work at Kalgoorlie to-day. We heard the leader of the Opposition state to-day that he was the best man who dealt with employees in the timber industry twenty years ago.

Mr. Frank Wilson: I did not say that I was the best man. I claim that I have always treated them considerately.

Mr. HOLMAN: I remember the time, not long ago, when the leader of the Opposition refused to grant 48 hours a week in the timber industry. That is less than ten years ago.

Mr. Frank Wilson: I was not in the timber industry ten years ago.

Mr. HOLMAN: But the leader of the Opposition was in a position that he could have done a good deal.

Mr. Mitchell: What wages were paid in Victoria twenty years ago?

Mr. HOLMAN: Miners received 7s. 6d. per day. That was the wage in the mine in which I worked, and it was about the lowest wage paid in those days. Navvies on the railways were receiving 7s.

Mr. George: Eight bob a day.

Mr. HOLMAN: It may have been 8s., but I believe that the miners were the lowest paid. We heard the leader of the Opposition deny that a lower wage than 6s. was paid in those days, yet we had the member for Murray-Wellington saying that as low as 5s. a day was paid for ten hours' work.,

Mr. Frank Wilson: I have never paid 6s. per day.

Mr. HOLMAN: What was the lowest wage the leader of the Opposition paid 20 years ago?

Mr. George: You cannot expect a man to remember what he paid 20 years ago.

Mr. HOLMAN: I remember when the present leader of the Opposition was appointed agent for Millars' Company before the Arbitration Court and desired that the wages should be six shillings per day for a nine hours' day.

Mr. Frank Wilson: No; there were seventy different rates of wages in that citation.

Mr. HOLMAN: I know all about that, but the men whom the leader of the Opposition wanted to pay 6s. for a nine hours' day are at present receiving 8s. for an eight hours' day, an increase of about 50 per cent. Every man who is working behind the picket benches to-day is receiving 8s. per day of eight hours, and although the leader of the Opposition in those days wanted every person under 21 years of age to be classed as a boy, the position is now laid down that a boy of 19 employed on the mills, no matter what work he may be engaged at, shall be paid a man's wages.

Mr. George: It is well to be a boy.

Mr. Frank Wilson: The hon. member wanted to make it 16 years of age, did he not?

Mr. HOLMAN: Well, when I was 16 I received a man's wages. I had to go to work when I was 13, and when I was 16 I received the full rate of wages, in Bendigo too. I dare say I did the work or I would not have got it. In introducing this measure there is no desire to be unjust or to show bias on this side of the House. The desire of members on this side of the House is not to cause industrial trouble, but to prevent it, because I can say that the more industrial trouble a man has been connected with the less a

desires to have. With all due respect to the employers of labour, there are none better able to say what should be done than those on the bottom rung who have to struggle all the time. They are the men who can speak from experience, who know what it is to bring up families under most unsatisfactory conditions, and be unable to send their children to school or to allow their wives to have the recreation which they really require, because they cannot get the consideration which is due to them as workers.

Mr. Underwood: I could not go to school at all when I was a boy.

Mr. HOLMAN: And I had to leave school when I was 13. The desire in this Bill is to give every employee a sufficient wage to allow him to live in reasonable comfort, and that is a thing which should recommend itself to members on both sides of the House. There is one word in the Bill I take exception to, and that is the word "average" in line 4 of clause 10. I think that the reference to "average worker" should be struck out and "any worker" included in its stead. I do not see why we should only make provision for the average worker, because the average worker system acts in a very funny way.

Mr. Underwood: The man above the average gets nothing, and the man below gets less pay.

Mr. HOLMAN: That is the position. If a man is employed in any industry he is worth a reasonable rate of pay.

Mr. S. Stubbs: Supposing through any infirmity he is not able to do as much work as his fellow-workmen, would you compel the employer to engage him?

Mr. HOLMAN: He has still the right to live, and if the employer will not employ him we should bring in as soon as possible the plank in our platform regarding every man's right to work. Simply because a man is old and grey, or has injured himself, or become infirm through his employment, are we going to penalise his wife and children and deny them the right to live?

Mr. George: Has not a man who is a non-unionist a right to live?

Mr. HOLMAN: If a man is a non-unionist when the conditions throughout the civilised world are such as they are he is in the same position as a man in this State who would refuse to pay a just tax. He should either be kept in some place apart from his fellow men or compelled to pay that tax.

Mr. George: This union levies an unauthorised tax.

Mr. HOLMAN: They are authorised to levy it by the law of this country, and the sooner we realise that what is sauce for the goose is sauce for the gander, the better it will be for the industrial workers in this State.

Mr. S. Stubbs: My point was that the man who was not quite so good at the bench as his fellow man should not get the same wages as a man who is honestly giving his master a fair day's work for a fair day's pay.

Mr. HOLMAN: We do not offer the slightest objection to that. The employer always objects to it.

Mr. S. Stubbs: Not always.

Mr. HOLMAN: I ought to say generally. The general thing is to give all workers the same. I was dealing with the question of the right to live. Any worker in any industry should have the right to live and the right to work. The unionists are taxed pretty heavily owing to the fact that these other parasites come along and refuse to pay their fair share of taxation. They should be compelled to do so. Large organisations are built up and the stranger can come along and by the payment of his shilling may become a member of that organisation, and have an equal share of the funds and an equal share of the benefits as the man who has been paying into it for years. If a man refused to pay his taxes he would be prevented from earning his living, and he would be put into gaol. Hon. members opposite have made the laws to bring that about.

Mr. Mitchell: That is a public duty.

Mr. HOLMAN: It is a remarkable thing that anything which affects the pockets of the capitalists is always a public duty, whereas if it affects the pockets of the worker it becomes an in-

justice. All we want is that members opposite will see that ordinary flesh and blood are catered for. With regard to the position of the president of the Arbitration Court, I understand the Government have taken a step in the right direction and they should make the appointment, because when we have an industrial problem to face, more than legal training may be required, and more industrial knowledge than is possessed by judges of the Supreme Court. I have no desire to reflect on the judges of the Supreme Court when I say this. It is not necessary for a man to be a judge of the Supreme Court to be a good president of the Arbitration Court. We can very easily give to the person appointed to this position the same powers as those held by a judge of the Supreme Court, or we could even go so far as to make him a judge of the Supreme Court, and place him above attack and everything else. We have men with training who would be better able to grasp industrial matters. A man with practical industrial knowledge and legal training as well would make an ideal president of the Arbitration Court, but it would indeed be a difficult matter to find such a person. There are many other matters which could be referred to and which are most unfair to the worker. At the present time unions have to send in returns and show their balance sheets, and send the names of members for a period of six months, while the employers are never asked to supply any information at all. Why should the workers be compelled to expose their position when the employers are not called upon to supply any information at all. The Arbitration Act will not be fair and just until both sides are placed on an equal footing.

Mr. Harper : The employer has no necessity to show his position.

Mr. HOLMAN : What about the Chamber of Mines ? I would like to see how much money they have expended on arbitration cases.

Mr. Underwood : And what they pay the professional agitators they have.

Mr. HOLMAN : There are more paid professional agitators on the employers' side doing more harm than there are on the workers' side.

Mr. Underwood : You might want to know how Noble gets his living.

Mr. HOLMAN : Another matter is with regard to the Registrar of Friendly Societies, who is appointed to administer the Act. That, I think, should be wiped out, because I do not think the registrar is the best man to administer industrial laws. What all want to see is the formation of a Labour department and the placing of the whole of the industrial laws under the control of that labour department, where they would receive that just and sympathetic administration which must be given if these laws are to be made a success. I do not think there is any necessity for further delay, and I am satisfied there is no ground for the accusation which has been made about professional agitators. I have been associated with many industrial troubles, and I have never come across an agitator who has done any harm. I hope hon. members opposite will show the same desire to grapple with the industrial problem as members on this side of the House have been doing for years past and are doing at the present time. I hope when amendments are brought forward with the view of preventing industrial trouble in the near future, assistance will be given to us, and that when the more comprehensive measure is brought down next session it will meet with general support. As far as the Bill before the House is concerned I will support it with the one exception to which I have referred. I hope I have thrown a little light on the question and that members opposite, instead of charging those on this side of the House with being agitators, will always endeavour to prevent industrial disputes.

Mr. MITCHELL (Northam): I have a few words to say on this measure. Hon. members imagine that the panacea for all industrial difficulties is an Act of Parliament. Every man knows that the position is one of supply and demand. If work is plentiful a man can demand

fair wages and get it, but if work is scarce a man, notwithstanding the Arbitration Court, cannot get higher wages. The results of the past six years have proved this conclusively. Six years ago we had this Act as we have it to-day; then work was low and scarce, to-day it is plentiful and wages are good. The hon. member who has just sat down has done much to prevent strikes; no man in the State has done more for the worker than he has done, and I am sorry to hear him approve of the principle of forcing more men into unions. Is there to be no liberty for the worker? I believe in unionism, for it is a good thing in many respects, but I do not believe in unionism for political purposes. The man who is willing to sell himself politically to any union is an ass. I object to unionism when it becomes merely political, and I hope the funds of the unions are not going to be used for political purposes. Unionism has been used to produce politicians. We find here secretaries of unions, men who have graduated from their positions as union secretaries, won the confidence of the men they served, and got themselves selected at the selection ballot and sent on here to Parliament. I object to the Bill because it means preference to unionists.

The Attorney General: Where?

Mr. MITCHELL: Because the Attorney General has to appoint the president of the court. It means preference to unionists, and I am going to vote against it on that score. I am going to vote for nothing that takes away the political freedom of the people. I am much obliged to the member who last spoke, because he made it clear that it was the intention to force all men into unions. It will settle industrial troubles, because men will be out of work, and there will not be the freedom amongst them to enable them to strike. How can they strike in bad times?

The Attorney General: Are you an advocate of strikes?

Mr. MITCHELL: When the conditions are wrong and men are badly treated I do not see what else is open to them. No law will give the Attorney General power to make men work when they do not want to. I realise that the employer must to an extent always be at a disadvantage. It would be a cruel and criminal thing if we could legislate to compel people to work even for wages set up under an award of the court appointed by my friend the Attorney General. Every man has a perfect right to work or cease to work as he thinks fit.

The Attorney General: Would you not stop a burglar from working at his trade?

Mr. MITCHELL: It is the hon. member's duty to stop him, and catch him and confine him; but if he worries the burglars too much they will form a union and so will become the hon. member's masters. Since the Attorney General has interjected, I think, too, it is undesirable that a Minister should be one of the executive officers of any union; that is bad. My friend the Minister for Lands is one of the vice-presidents of the timber workers' union.

Mr. Holman: Has that been a disadvantage during the last five years?

The Premier: Not from the timber workers' standpoint.

Mr. MITCHELL: What happened in connection with the timber workers? A certain area of flora and fauna was set aside, but Whittaker Bros. got in on it. The flora is the best jarrah forest in the State, and the nearest to Perth. When it was decided that a further 20,000 acres be let go, the timber workers' corporation got the land; that was under Sir Newton Moore's regime.

Mr. O'Loghlen: You allowed Whittaker Bros. to encroach.

Mr. MITCHELL: I did not allow them to encroach at all. I made them pay for their encroachment. I took from them other land of higher value, according to my expert officers.

The Premier: Those expert officers say otherwise.

Mr. MITCHELL: They say nothing of the sort.

The Premier: They say that regarded from the standpoint of the State the land is not so valuable.

Mr. MITCHELL: It is the best bit of jarrah country in the State, and carries 16 loads to the acre. The other land had gone, and I took this land from them. However, I say that when it comes to the allotment of land by a Minister who is one of the vice-presidents of a union, what would happen? It is clear to all of us. At any rate I object to the Bill because it absolutely limits the freedom of people; all are to be pressed into unions, more or less political. I am not against unionism, but there ought to be freedom and room in a union not only for men who profess the creed of the Labour party but for those who profess the creed we preach. Men should be allowed to join unions whether they believe politically with the Labour party or with this party. If the Bill provided absolute freedom and better conditions, I would warmly support it. Then I object to unions having the right to recover, by process of law, unpaid fees. A little time ago a working man with a large family and a limited wage joined a union. His fees fell into arrears; as a matter of fact he told the secretary he did not wish any longer to belong to the union. As I said, his fees fell into arrears, and they took him before a magistrate who ordered him to pay up or go to prison for fourteen days. A little later that union secretary contested the York seat against the sitting member.

Mr. A. A. Wilson: Any member of a union can resign by giving three months' notice.

Mr. MITCHELL: This was a working man who did not think of the expediency of resigning; yet they got an award against him for the recovery of his unpaid fees. And the union secretary, who gets £4 a week, took from this unfortunate man, who was unable to keep up the payment of his fees to the union. 10s. for his day at court. I am asking for freedom for the people, but I will vote against the Bill. If I had forty votes I would give them all against the Bill, because it provides that there shall be no freedom for the people.

The Attorney General: Where does it provide that?

Mr. MITCHELL: You told us yourself that there should be preference to unionists; it provides for that. It provides also that the Court may discriminate the rate of wages of various workmen in any industry. That is absolutely right; I agree with that. It is not sufficient to fix the minimum rate of wage. It has been argued here that wages should be the same in a non-paying industry as in an industry returning big profits. I believe that the worker should share in the profits. Take the Kalgoorlie gold mines, where enormous profits have been and are being made; I believe that the workers on those successful mines should share in the advantages the mine-owners reap. It is perfectly obvious that a man can only be paid from what he earns. There is no person, not even the Premier, who could continue to pay wages to a large number of men unless those men were earning at least as much as they were being paid.

The Premier: If a man can only be paid from what he actually earns, it is a marvel to me how some of us are living.

Mr. MITCHELL: Yes, what would the Premier get under that principle? I am very pleased that the Attorney General has now said in effect that the Bill does not provide preference to unionists, notwithstanding that he allowed us to understand from his opening remarks that it did. I hope the Attorney General will tell the House whether he means to provide preference to unionists.

The Attorney General: I say the whole Bill is in the interest of unionism and unionists.

Mr. MITCHELL: I want to know whether the Bill means to provide preference to unionists.

The Minister for Lands: If you study it you will find out for yourself.

Mr. MITCHELL: The Attorney General has already stated that it does provide preference to unionists, and I want to know whether it is possible that preference will be extended to unionists.

The Premier: Give notice of the question, and let the Bill pass in the meantime.

Mr. MITCHELL: That is the way in which the Premier is inclined to deal with these things. He should drop that atti-

tude, and remember that he is now Premier, and that we are entitled to get information from him.

The Premier: It is all in the Bill.

Mr. MITCHELL: I hope the Attorney General will limit the entrance fee which can be charged by any union, and make it impossible for any honest man to be carried to prison through no fault of his own, but simply because he is unable to pay his fees to the union. It is all very well for the Premier to laugh. The Premier can make a joke of it, but if he had to do fourteen days in prison he would not think it a joke. I have nothing more to say. I oppose this Bill mainly because it does provide preference to unionists, and because under it I know an honest working man may be committed to prison if he cannot pay his fees, which the Attorney General will not deny are used for political purposes.

The Premier: The present Act provides for that.

Mr. MITCHELL: I want it altered. I always would have been pleased to alter it if I had understood the position as I understand it now. I know the Premier makes a joke of everything, but I would remind him this is not a football match; and while he may barrack at at a football match to his heart's content, I think it is expected of him to behave a little differently here. I am told that in Canada before a carpenter can draw a nail he is expected to pay something like £6 10s. entrance fee to the union.

Hon. W. C. Angwin (Honorary Minister): What has Canada to do with Western Australia?

Mr. MITCHELL: A man cannot enter a union at Fremantle unless he pays a subscription fee.

Hon. W. C. Angwin (Honorary Minister): It is half a crown for carpenters at Fremantle.

Mr. MITCHELL: I hope the Attorney General will limit the entrance fee to be paid on joining a union to half a crown.

The Premier: The court can prescribe that in giving an award.

Mr. MITCHELL: Parliament can prescribe it and I hope the Attorney General will do it. It is futile for any member of the Opposition to attempt to do so. We can do nothing to amend the measure.

The Premier: Giving up the ghost, are you?

Mr. MITCHELL: As the Bill stands now I believe it does provide for preference to unionists, and I believe it provides for purely political unions, so I intend to oppose the second reading.

The ATTORNEY GENERAL (in reply): If we have not received very much instruction from the criticism of the Bill we have at least received some entertainment. I am not sure that any of the speeches have been actuated by earnest opposition to the reform that is proposed by this Bill. I cannot but believe that even the leader of the Opposition was playing more to the gallery than he was devoting himself to serious argument.

Mr. George: We have no gallery.

The ATTORNEY GENERAL: I mean the gallery outside, the audience that gives the leader of the Opposition and those that think with him applause, the magnates and butterflies of the Liberal Club. All this talk about the Bill encouraging professional agitators! Where is the line that does it? Where is the phrase that supports such a statement as that? It is imagination. How pleased I am that I stand on the Government side of the House now and conceive how airy forms of imagination take the sort of shape that vanishes the moment common sense is applied! We used to have it thrown at us, "That is all imagination." How environment alters one! Where does this Bill encourage, stipulate, mention, or do anything to lead to the supposition that it has any connection whatsoever with professional agitators?

Mr. Wisdom: In every line of it.

The ATTORNEY GENERAL: There is not one. Yet we have these arguments against the measure. It shows how the attempt is not to answer the Bill, not to criticise or analyse it, but to prejudice the measure in the eyes of one section of the public. That is the object of this talk we have had. The ex-Minister for Lands, the Sancho Panza to the Don Quixote, the leader of the debate

on this question, waxed in his own style quite eloquent. He opposed the Bill because the Bill "prevented the liberty of the workers." Does not the hon. member know that there was never a law passed but limited liberty somewhere? What are the laws against theft but to limit the liberty of the wrong doer?

Mr. George: No; it is to prevent him taking liberties.

The ATTORNEY GENERAL: What are our laws relating to the civil relationship of society but laws regulating someone's liberty? Every law regulates liberty somewhere. But this law only limits the liberty of a section of humanity to do injury to others. That is all it does, if it has any bearing on that phase of the question.

Mr. Wisdom: It empowers the section to do injury to the greater number.

The ATTORNEY GENERAL: Where?

Mr. Wisdom: It is provided in the sole interests of unionism.

The ATTORNEY GENERAL: It does not advocate the sole interests of unionism; but if it did, it would go further, and I should have higher approval for it than I have now. Because what is unionism but a coming together of men for the purpose of resistsing the parasites of society.

Mr. Wisdom: Twenty-six thousand opposed to 78,000.

The ATTORNEY GENERAL: There are always twenty ignorant men to one wise man the world over, and it is only those in advance and seeking the betterment of others who, though in the minority in the effort to carry out their reforms, are taking the blessings, which the hon. member refuses, to the 26,000 he mentions. Ah! those Pharisees of modern days. They of old, of like character and just precisely the same class, hung upon Calvary the professional agitator of Galilee. The same class of people have sent to the gallows, sent to gaol and penal servitude, those who were leading their fellow men from the days—I was going to say, of Luther, and the reformers up to the Chartists, and beyond the Chartists to the unionists of our modern times. Those were professional agitators, but what have they made the world? Is there a single man opposing this measure to-day who would turn the telescope back, roll time down the hill again to the days when there was no unionism?

Mr. Wisdom: Certainly not.

The ATTORNEY GENERAL: They say unionism is a blessing. We are proud of it. They are glad to belong to it. Even the member for Murray is proud of it.

Mr. George: And I say it has done good work, but this is destroying liberty.

The ATTORNEY GENERAL: Destroying what liberty?

Mr. George: You allow no freedom for the man who thinks differently from you.

The ATTORNEY GENERAL: The hon. member admits, and all of them admit, and they are obliged to admit, that unionism has done good, that the world is a better world to-day for everyone in it, from the King on his throne down to the lowliest peasant in his cottage, through every intervening station; yet admitting this blessing, that it is for the benefit of the world, they say, "Oh, this is a horrible thing; you want to carry these blessings to 26,000 people who have not got them."

Mr. Wisdom: At the expense of the remainder.

The ATTORNEY GENERAL: Where is the expense in extending blessings to humanity if every man is better off in pocket, mind, and character since we have had unionism? Go back to the days prior to unionism and look at the people you met in every day's walk; beggars upon the highways, thieves upon the road, and people in their homes sleeping upon flags and straw, their diet such as did not support the frame, give the mother strength or the offspring life.

Mr. George: Did that happen in Australia?

The ATTORNEY GENERAL: I am going back to the days prior to unionism, to the days when we were "masters." Masters! Oh yes, with the master's whip and the master's stocks in the village streets, the master's power to send for his

slave and bring him back to his house. I am speaking of times not very long ago.

Mr. George: You are bringing them back now by your forced unionism.

The ATTORNEY GENERAL: Will the hon. member try to keep his brains in his head and not let specimens of them escape? While he sits in silence facing us and we look at the flashes of light from the centres of his eyes we are inclined to think that the old sphinx of Egypt is with us again with its solemn countenance and unsolvable riddles, but the moment he speaks there trickles from him such folly that all the illusion vanishes.

Sitting suspended from 6.15 to 7.30 p.m.

The ATTORNEY GENERAL: I was remarking that the real opposition, if opposition it can be called, brought forward by the leader of the Opposition, the member for Murray-Wellington, and the member for Northam, was the trotting out of another bogey. I never knew a party so prolific in its invention of bogies as the party that sits opposite. The new bogey, if I may say so, the one to be used now to prejudice the general public against this measure, is that we are fostering the professional agitator, or, as the leader of the Opposition called him, the loud-mouthed demagogue, inciting the men to go on strike. Such phrases, I will admit, have a terrifying effect upon the unthinking, and on the privileged ranks of society. But this Bill touches none of those, deals with none of them, in the way of encouragement, and altogether this opposition is extraneous to the objects and the purpose of the measure. I have already said there is a defence for those who in society stir their fellows to thought, teaching them the wretchedness of their lot and inspiring them with hopes of better things, and if these people be called agitators the world needs more of them, and I say now, from a knowledge of the history of all progressive movements, that there has been no freedom from stagnation, or intellectual and moral activity, without such so-called agitators. If I may be allowed to define these men as they have been defined by the able poet Lowell I should say—

> Such ardent natures are the fiery pith,
> The concrete nucleus round which systems grow,
> Mass after mass becomes inspired therewith
> And whirls impregnate with the cental glow.

Hon. members opposite may well be afraid of these men, these are the men who stir them from their calm, unperturbed equanimity, in the full enjoyment of this world's wealth, imagining themselves a superior order in society, gods amongst mortals, the immaculate amongst a mighty throng. For such orders as those, such men as belong to that class of the unpicturesque and impoverished multitude are, in their education, deserving only of a life of ignorance and suffering and slavery. If they are ignorant and contented in their ignorance then they may be driven, they may be oppressed without murmur, they may be persecuted without resentment, whilst their so-called superiors may enjoy all the riches and blessings of the world, without pity or charity towards those that they override and dominate. For the agitator is a man who wakens people from their ignorance, he develops a geater and wider and nobler consciousness, and greater realisation of the fact that the poorest of mortals belong, after all, to the family of humanity. As a great American orator has said, "Give me the storms and passions of thought, rather than the dead calm of ignorance and faith, banish me from Eden when you will, but first let me taste of the fruit of the tree of knowledge." These so-called agitators are the men who have tasted the fruit, and taken it to their fellows, stirred with thought and stirred with passion for the uplifting of their fellow creatures. They disturb the quiet, they annoy the peaceful content of the placid plutocrats, who imagine all the world is centered in their drawing-rooms. I am thankful we have such men, but the Bill does not touch them.

Mr. George: Who is the poet?

The ATTORNEY GENERAL: I know the hon. member needs a little wider reading.

Mr. SPEAKER: The point after all is that the Bill does not touch them.

The ATTORNEY GENERAL: I know that, but the arguments that are used it is necessary to answer, and it is only in that way that I can direct my attention to what has been said.

Mr. George: I am satisfied.

The ATTORNEY GENERAL: Then comes in the other bogey, preference to unionists. The only remark I made on this subject when I was introducing this measure was that the Bill undoubtedly tended to preference to unionism generally, but just in the same way as the old measure. Every measure of this kind tends to preference to unionism; this provides that only unions can be registere. The hon. member cannot say that is giving unionism a preference that it never had before.

Mr. George: You did not give us the proviso.

The ATTORNEY GENERAL: What new bogey has the hon. member got in his throttle now? The old measure gives preference to unionism, it provides for the registration of unions and, when so registered, they can apply to the court and get their difficulties settled between their employers and themselves, but non-unionists cannot. That is where the preference comes in, it gives a preference to unionism. The tendency is to increase that preference in this Bill and in the same way.

Mr. George: We want you to emphasise it.

The ATTORNEY GENERAL: This is not the place for nightmare; the hon. member has not yet gone to bed; let him keep his seat in quiet. The old measure went a certain distance in allowing certain unions to be registered; we make it possible to have a larger number of unions registered. We give the right to clerks, which was never given before. We give the right to members of the Press, which was never given before.

Mr. S. Stubbs: For political purposes.

The ATTORNEY GENERAL: Listen to the wisdom of Wagin. When it is all examined it is nothing but stubs.

Mr. SPEAKER: The Attorney General must not refer to the hon. member by his surname.

The ATTORNEY GENERAL: I was only referring to his wisdom by its proper name. I, of course, do not desire to hurt the hon. member's feelings, but when an hon. member makes such a stupid interjection——

Mr. S. Stubbs: True all the same.

The ATTORNEY GENERAL: I cannot avoid taking notice of it. This measure extends the scope of those who are called workers to become registered, and therefore to obtain the benefits, whatever they are, of the Arbitration Court. In that way it does give preference to unionists. But there is no clause in the measure that states that the Court is to give preference to unionism; it is the spirit of the measure that does it. There is not a single line in the Bill that directs the president of the court, or the court in its completeness, to give preference to unionism.

Mr. Frank Wilson: They can give it.

The ATTORNEY GENERAL: There is not one line to suggest it. Of course they can give it, when it is wise that it should be given, when it is possible that there may be accepted what may be called preference to unionists. It is done under one specific clause where it says the court has power to make an arrangement for the peaceful working of that industry. With your permission, Mr. Speaker, I think the whole clause should be read in order that it may be seen how this is possible, when there may be preference to unionism, if at all in this Bill. There is no mention of preference to unionism in the measure. The addition is this—

> The court may by any award prescribe such rules

not give such preference

> for the regulation of any industry to which the award applies, as may appear to the court to be necesssary

What for? To give some advantage to one class over another? No! But—

> as may appear to be necessary to secure the peaceful carrying on of such industry.

That is the only power given to the court, and I ask hon. members when they have laid their bogies in their coffins, if this is not a wise provision, giving power to the court to make such rules in the giving of their award as will enable the peaceful carrying on and to prevent disputes and contentions in future in an industry. And out of that, all this horrible outcry about preference to unionists is evolved. It is sham and sheer pretence ; it is playing to the crowd outside, and asking them to say, "Look at this horrible Labour Government ; the first chance they get they give preference to unionism." That is the only justification for it—the power of the court to make rules for the peaceful carrying on of an industry. There may be occasions when it is necessary that unionists should be employed in preference, because unionists may know the particular trade to which they belong, while outsiders may not know that trade so well and, therefore, the preference would be given to unionists. But that is not even covered by this clause. The clause is only a power giving the right to make rules, and I may say that in dealing with the wording of the clause preference to unionists never entered into my mind. There was, however, a case that occurred to me vividly, where it was necessary for the peaceful carrying on of an industry that there should be only a certain number of apprentices to the number of adults employed. There has been no power under the old Act to regulate that. That has been testified to by actual experience in the court, and to make it clear, so that there could be no dispute, this clause was inserted.

Mr. George : But it is already in the Act. What was the amendment of 1909? That was entirely dealing with apprentices.

The ATTORNEY GENERAL : Yet there is no power given to the court to make rules ; it is the addition made here.

Mr. George : Oh, very well.

The ATTORNEY GENERAL : It is very well, and I hope the hon. member will recognise that. and offer no further opposition to the Bill. The leader of the Opposition, in his attempt to frighten the people in regard to the Bill, said that he opposed the Bill on these grounds: Firstly, that it was in the interests of one class of the community, namely, labour. Thank goodness ! One class of the community. It is time this class, if it be a class, had a show.

Mr. George: We are all workers; so there is only one class.

The ATTORNEY GENERAL: Well if there is only one class, and we are all workers, this Bill is framed in the interests of all the people of Western Australia. The leader of the Opposition must know that the great body of the people have long been governed by a class, and that the class legislation of centuries is only now slowly being broken down. To-day is the day when, instead of class rule, we are getting the people's rule, and the legislation which is passed is in the interests, not of a section, not of the rich, not of the dominating powers of the State, but in the interests of the body politic, of the whole of the people; and it is in that interest that we are working here in the Bill. Labour! Why what is the dignity imposed in religious, in biblical history, upon man? That he is to live by the sweat of his brow. That is the dignity imposed upon man, and he who will not work neither shall he eat. We want the class of workers, and we want the food for the workers. The drone class is not considered in the Bill, which is framed in the interests of the workers, of labour, the most dignified of the attributes or the functions of man. As the old poet said, *Laborare est orare*. Now, what a chance is this. The Bill helps the labouring class. Who has built up the State? The labouring class. Who has built up the world? The labouring class. What magnificent work of art, or architecture, or grandeur that comes from the hands of man can you point to which labour has not constructed? Where has labour not adorned the earth? Do you think these men with money to their credit in the bank have made this country what it is? It is the hardy miner, the pioneer of the back blocks, the settler amid all kinds of difficulties and priva-

tions, who have made the country the rich country it is, who have turned the wilderness into a garden.

Mr. Wisdom: And some of them get rich by it.

The ATTORNEY GENERAL: True. And so I would see all labour get rich and be everlastingly removed from want. Now, it is a charge against this measure that it considers the labouring class. If it were true it would be a matter of which I would be proud; but as a matter of fact does it not give every right to the employer which is given to labour? The employer can take a labourer to the court as well as a labourer can take the employer. He can have his position there considered as well as the labourer can have his position there considered. It takes in view the two parties to the dispute, and, therefore, cannot embrace one class and one class only; it takes in both and both have the same rights precisely under the Bill.

Mr. Wisdom: How do you get the employees to the court?

The ATTORNEY GENERAL: By citation.

Mr. Wisdom: What machinery have you for punishing them if they do not agree to the award?

The ATTORNEY GENERAL: Another silly old fetish and from wisdom itself? How do we punish them? They have been punished. And, what is more, let me tell the hon. member that the Bill, in its liberalised form, put upon the statute-book will create a force of public opinion which in itself is a punishment to those who refuse to obey the awards. It helps to create a sound and healthy public spriit in our community. The reason why we have had more or less disobedience to the old Act is because the old Act was found in practice to be unworkable, it did not accomplish what was expected of it. As the Minister for Lands reminds me, it did not provide arbitration, it did not allow the gist, the kernel of a dispute being looked into; but the husk, the shell, the technicalities were too often the only matters considered; and very often when the parties were confronting each other before the court with a good case the court said, "We have no power to deal with this"; or, the court, having exercised its power, another court has been appealed to and reversed the decision of the Arbitration Court.

Mr. George: There have been a great number of awards given.

The ATTORNEY GENERAL: And to that extent the old Act has done good, though not always good, because not always have the decisions been obeyed, and frequently for the reason that the awards have been afterwards held to be "not according to law." We are trying to get a Bill more workable, and that is the charge against us, namely, that we are making it easier to obtain abitration, to settle these disputes. Else why the opposition, why the ceaseless shower of interjections?

Mr. George: Simply to get light.

The ATTORNEY GENERAL: The hon. member would poke an umbrella at the sun to get more light. This measure only helps to make the old Arbitration Act nearer perfect; in other words, it gives a better chance of going to the court; it removes all those difficulties at the onset with which the old Act bristled. What is the good of having Paradise, so to speak, if you put flaming swords at the entrance and keep everybody out? The object here is to remove the flaming swords of legal technicalities, to allow those with a dispute to enter; not that they may quarrel, but that they may come to terms of peace. Is this any great crime, even if introduced by a Labour Government? That, then, is what the Bill aims at, namely, to remove those difficulties revealed to us by experience, to enable those who go there to feel sure that the merits of their case will be considered, and that they will not be confronted by appeals and arguments that obscure altogether the merits of the case and prevent them being considered at all. We submit the merits of the case to the court; that is decidedly an advantage. And that we may do so wisely we propose that there should be a permanent president of the court. In other words, we are making it more distinctively an Arbitration Court, and not a branch of the Supreme Court; not a side show, if I may use the expression

without being disrespectful to the higher courts; a court standing distinctly by itself, upon its own footing. That is our object. What is the insinuation? That this is for political purposes. And the leader of the Opposition said "The Attorney General will have the appointment of the permanent head of the court; it will be a political appointment." Did you ever hear such nonsense as that from a man of experience? As a matter of fact, the Cabinet of the day appoints the judges to the Supreme Court, every one of them is appointed by Cabinet. I have the power, if it were necessary, to appoint a judge, or rather to recommend the appointment of a judge to the Supreme Court; and in that instance there would be no accusation that I did it for political reasons. But, because there is a power here given to appoint a permanent judge to this court, it is supposed that an appointment of the kind must of necessity be made for political reasons. Now let me say that the power is given here to appoint even one of the Supreme Court judges as a permanent head of this court, if necessary. I might take any one of the judges, if he be willing to accept the position, from the Supreme Court bench to-morrow, or the day after the Bill became law, and make him the permanent head of the Arbitration Court.

Mr. George: Is that your intention?

The ATTORNEY GENERAL: I do not say it is not. I will tell the hon. member why, chiefly, this is put there. I personally am in favour of a judicial mind occupying that chair, a man who is accustomed to know evidence when he hears it, to weigh evidence, and get at the kernel of things. That would be my preference, but we are met with the difficulty that not one judge of the Supreme Court likes the job; there is a difficulty in obtaining the services of any one of the present judges. One judge has been permitted to escape all through his judicial life in this State by a pre-arrangement before he came to this country at all. He has not sat; he does not sit; and he will not sit upon the bench in the Arbitration Court. If judges do it, it is not because they love the work, but as a matter of obliging the Government of the day.

Mr. George: Mr. Justice Burnside said he liked the work.

The ATTORNEY GENERAL: I do not know that he cares too much for it either.

Mr. George: But I heard him say that he loves it.

The ATTORNEY GENERAL: Possibly, but we have a difficulty in getting a judge to serve on the court. In the meantime, if we take one of these judges from the Supreme Court, especially if one is away on circuit, or absent through any other cause, there is a difficulty in carrying on the work of the Supreme Court, and either the Arbitration Court work has to suffer or the Supreme Court work has to suffer.

Mr. George: Could you not appoint another judge?

The ATTORNEY GENERAL: That is what this Bill enables us to do. It enables us to appoint a man who can give all his time and attention to this matter, and that is what ought to be done. We ought to have consistency in the awards of the Arbitration Court and in the conduct of that court. Judges cannot help their personality, and we have more than once met with the phenomenon that when one judge gives a ruling or a decision people accept this ruling as a guide to the understanding of the law and the procedure of the court, but, lo! another case comes along and is heard before another judge who has an entirely different way of looking at the matter, and he gives a decision directly opposite to the one previously given. The people who go to the court then ask, "What reliance can we place on the court? Its decisions all depend on the judge who is there; the court is not consistent. It is better for us to strike; we are only wasting our time, our money, and our patience, and after all we have to resort to other means in order to settle our disputes." Those are the facts that actuated the composition and introduction of this clause, a desire to have uniformity and ability in this new and important court; that it is important cannot be disputed.

Mr. Wisdom: And no politics.

The ATTORNEY GENERAL: Oh, no politics! Does my hon. friend realise that the settlement of a dispute is not politics? If a court is appointed for the trial of these cases, the issue there decided is not Liberal-Labour; it is the dispute as stated by the parties and developed by the facts produced in evidence.

Mr. Wisdom: So long as there is no bias.

The ATTORNEY GENERAL: How could there be bias? Is it not prepared for? Have not the Chamber of Mines, and the Chamber of Manufactures and the rich men generally their representative upon that very bench?

Mr. Wisdom: I only want your assurance.

The ATTORNEY GENERAL: Where is there room for bias if the facts that are presented are weighed? I should be sorry to think that the hon. member has no better idea of the honour of humanity than to think that only bias can rule upon the bench, that there must be vindictiveness, or passion or something else, instead of calm judicial understanding and the exercise of common sense. I thought he had a better opinion of his fellow men than to raise such a paltry and petty objection to this court.

Mr. Wisdom: Why not say that it will not be political?

The ATTORNEY GENERAL: It will not be political; how can it be?

Mr. Wisdom: I only want you to say that it will not be.

Mr. SPEAKER: I cannot allow that interruption too often, for the hon. member has asked that question a dozen times.

The ATTORNEY GENERAL: The hon. member surely understands that the composition of the court is a judge, who shall be president, and sitting on the one side of him a representative of the employers, and on the other side a representative of the employees. What could be fairer? Where could there be anything less political? Besides, the relationship is entirely one of employer and employee, and we can have an employer belonging to any political party in the State, or an employee belonging to any other political party; their colour in politics has nothing to do with the case. Therefore, the object of the measure is, first of all, to have an impartial tribunal representing all the parties in the dispute, and, in the next instance, to get a trained and consistent court, a court that shall deal only with this kind of administration of justice, just in the same way as in England, they have their specialised courts, their Common Law courts, their Chancery courts and their Criminal courts, and, in London itself, a Lord Mayor's court, a court to try commercial issues, and there becomes a certain aptitude and wideness of knowledge on the part of those who practise there and those who administer justice from those places that are not obtained in a general court where all kinds of cases are tried. There is a specialised and focussed knowledge of the work they are dealing with, and who shall say that in this court, where cases that sometimes stir the bowels of the whole of the community are heard, there is not a necessity to have a special knowledge, to have men who know the natures of the industries, the peculiarities of them, the conditions under which they can best flourish, and all the intricacies that can best promote peace in the conduct of those industries? The judge appointed to this court, then, ought to be, and, if I have any say in the matter, will be a man who has some knowledge of the industrial life of the State in which he lives.

Mr. Wisdom: And who is impartial?

The ATTORNEY GENERAL: He must be also a man trained in the sifting of evidence, and a man capable of impartial judgment; under those circumstances, what a bugbear it is to say that this is a political move, a political dodge. Let us see what further the leader of the Opposition had to say. He says, secondly, "on the ground that it encourages trivial disputes and disagreement between men and their employers." What ground is there for saying that? Nothing but this; that we have provided in this measure that disagreements, differences of opinion as to an industry—because it has no relation-

ship to anything else—as to the state of the organisation of that industry, differences of opinion before they reach the absolute quarrel stage, may be taken to the court for settlement in their incipient stage. I thought that was a virtue instead of being a vice. Have we not in our laws, ordinarily administered in this State, provision for the very smallest wrong being righted? *Ubi jus ibi remedium* is a maxim in law. Wherever there is a wrong, there is a means of righting it. That is one of the fundamental maxims of law. We can go into the courts with the smallest of our differences as well as our greatest, and surely in a civilised State which provides facilities for righting even the smallest wrong are we following in the steps of civilised progress when we provide that the smallest wrongs between master and men, using the expression of the leader of the Opposition, or employer and employee, may be considered. This is no other than saying: "You who are in strained relationships, who are starting on the path that must lead to chaos if you do not get your differences settled, come to us in time before you are in anger, and before you have lost your reason. Come when you can reason in the calmest way, when, to use the language of the hon. member, you can sit together around the table, without hatred and spite towards one another." The leader of the Opposition stated that these trials in the court have been marked with great bitterness; those were his words. Why? Because we would not allow these men to come into court until the bitter stage had been reached; there had to be absolute warfare and hatred between master and men, or employer and men—for I do not like that term "master," which is a remnant of the old world when men were serfs, as I have already mentioned— and until that hatred was reached they could not get into court. This amendment says to them—"When you are beginning to brood, when you are beginning to have disagreements, do not wait until they ripen into bitterness; come at once and let us have a peaceful settlement as soon as possible." This is a preparation for peace, a sort of preliminary chance for conciliation, and, therefore, instead of its being a feature that ought to be shunned or something with which we ought to be reproached we ought to be credited with our good intentions in the matter. The leader of the Opposition went on to say, thirdly, that he objected to the Bill because it encouraged the agitator and was a means of causing trouble between the employer and employee. That is the very opposite of its purpose, its object is to prevent trouble. There must be trouble before a case can go into the Arbitration Court, but we want to prevent the trouble going further and reaching that stage of warfare which I have alluded to. The hon. gentleman goes on to tell us that, fourthly the Bill enables a union to drag others into the court, whether they wish it or not. What clause in the Bill enables us to drag others in, whether they wish it or not? It does effect some who are not members of a union in this way: if there is an industry, any large industry in the State, and the employers and employees have a dispute, and in the same industry there are others, not members of a union, either masters or men, the industry is fixed by the award, but it does not drag either of them into the court. Suppose it were engineers. There are a number of societies of engineers, but there are many engineers working who do not belong to any union. The court awards the wages and hours for the engineers in the industry, and all those who are engineers are covered; and is it not wise that this should be so? Would it be wise to have sectional fighting? Fifthly, the hon. member says the Bill places the most minute details of an industry under the control of a court, whose functions should be confined to wages and hours of labour solely. Sometimes an industry needs more regulating than that. There are apprentices.

Mr. Frank Wilson: I also said, "and conditions of labour." "Wages, hours of labour, and conditions of labour," I said.

The ATTORNEY GENERAL: I accept that. It covers all.

Mr. Frank Wilson: But you have apprentices under the present Act.

The ATTORNEY GENERAL: We have, however, no power to make rules—

and that is the only difference—regulating these conditions of labour. We have that now for the first time, and that is the advantage. This is the horrible thing the hon. member can instance against the Bill. Sixthly, the hon. member says the Bill makes the appointment of president of the court a political one. No one knows better than the hon. member the foolishness of a charge like that. If a Government appoint a president of the court it is done for the benefit of the court, to constitute the court an industrial court, and not for the sake of the political opinions of one side or the other. It is done for the purpose of making a perfect court. See the hollowness of this! It is wrong for the hon. member to bring this forward. He knows that in the hands of the Government lies the appointment of every judge. Must he accuse the Government of making political appointments only because the Government have had the duty and responsibility cast upon them? In whose hands is the appointment of the president of the court to be placed, if not in the hands of the Government of the day?

Mr. Frank Wilson: Leave the judge there.

The ATTORNEY GENERAL: What judge?

Mr. Frank Wilson: Any one of them.

The ATTORNEY GENERAL: We cannot get judges; they object.

Mr. Frank Wilson: Then pass a Bill to compel them.

The ATTORNEY GENERAL: To pass a Bill to compel them to do it is to get bad work from them in the future.

Mr. George: We have more confidence in the judges than that.

The ATTORNEY GENERAL: I have confidence in them, but I know that in the interchange of presidents there are inconsistencies that ought to be avoided. We are not sure whether we ought not to make one of these judges a permanent appointment, and the Bill will enable us to do it if we wish to. If we cannot get a judge then we must appoint someone else with the dignity of a judge. Of course the qualifications must be there in the first instance. Then the hon. member accuses us of appointing a judge tainted with the views of the party in power.

Mr. Frank Wilson: I did not.

The ATTORNEY GENERAL: And the insinuation he made over that is, I think, utterly unworthy. Seventhly, and lastly, he claims the Bill enables the court to give preference to unionists, or any other class of labour, which he thinks is the most disastrous power of all. I have dealt with this fully. I have shown how hollow the statement is. It is in substance and in fact not borne out by the Bill.

Mr. Frank Wilson: But it is there.

The ATTORNEY GENERAL: He cannot cite it; it is a pure invention of his fertile brain; it is an insinuation utterly unjust, and it is one intended to prejudice the public against this measure.

Mr. Frank Wilson: Will the Minister say the court has not power to give preference to unionists under this Bill?

The ATTORNEY GENERAL: The court has also power to give preference to non-unionists under this Bill. If it has power to give preference to non-unionists as well as to unionists, what is the point? There are always employers' representatives in court to see no injustice of the character is done. I only wish I had the power to give to the court that authority to recognise unionism and force unionism upon those who are at present obtaining and taking all the advantages which unionism gives them, but doing nothing to contribute to its support, or to extend the spread of its principles.

Mr. George: That is definite.

The ATTORNEY GENERAL: That is what I would do but the Bill does not do it. I make no secret of my view. I believe in unionism, as the hon. member has told us he does. I believe in it because it has in it the very essence of brotherhood, because all the lessons of history teach its value. Even the employers reap the advantage of unionism; they combine together; their combines and their rings are nothing else but another form of unionism. The difference between the unionism so dear to the heart of those who sit upon the Opposition side of the Chamber and the unionism I support is that hon. members oppo-

site support a distinctly class unionism, a distinctly privileged unionism, a distinctly selfish unionism, whereas the unionism I support is a unionism that combines together for common purposes, for the mutual benefiting of their fellow men, wherever they may toil and whatever privations they may suffer.

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

Ayes	.. .. ..	28
Noes	.. .. ..	11
Majority for	.. ..	17

AYES.

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

NOES.

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

Question thus passed.

Bill read a second time.

In Committee.

Mr. Holman in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

Mr. FRANK WILSON: This was the clause which specified that a disagreement or difference of opinion between an industrial union and the masters should be brought before the court. What was a difference of opinion? It seemed to cover everything and anything. A secretary of a union might consider a worker should have his meals in some building separate from the works. That would be a difference of opinion and a case to be submitted to the Arbitration Court. Could the Attorney General inform the Committee how far these words "difference of opinion" would operate. Was it not a fact that they would cover everything?

The ATTORNEY GENERAL: The hon. member must see that before anything could be taken before a court, whether it was supposed to be trivial or otherwise, a certain course had to be followed; there was to be a meeting of the union, and after the meeting a ballot of all the members; a lot of preliminary steps had to be taken, so it was quite a safeguard against anything very frivolous or trivial. The real object was to get over the difficulty to decide what was a dispute, and with this definition the judge was given jurisdiction to decide what a dispute was. That was the sole object. It was to enable matters brought before the court to be considered when they reached the court.

Mr. FRANK WILSON: As far as that went it could be appreciated, but the fact that it ought to be referred to the union did not quite safeguard the position. We knew of instances where unions had sanctioned a strike of hundreds of men because one man had been dismissed, perhaps for disobedience or perhaps incompetency, then there would be a difference of opinion immediately. On these grounds he objected to the clause. If we were to take the management of works out of the hands of the people controlling the industry, we might as well have a committee of works to run the country. It would be absolutely inconsistent to penalise a union for bringing a case before the court on the grounds of triviality.

The MINISTER FOR LANDS: A number of matters which were complained of in regard to the terms of the principal Act which the Committee were now amending were mentioned in the course of the debate last session, and the attention of the leader of the Opposition might be called to the fact that if notice had been taken of them at that time and steps taken to amend them many troubles would have been avoided.

The purpose of the clause under discussion was not to give opportunities for the creation of disputes or for causing greater troubles, but it was to remove the obstacles and defects which made the previous Act so imperfect, and which often occasioned difficulties in connection with what were termed wrong awards of the Arbitration Court. The trouble with the leader of the Opposition was that he had not given any study to this question, because if he were to turn up the principal Act and read Section 80 he would see the provision which the Committee were seeking to amend by the Bill. It stated there that "the court shall dismiss any matter referred to it, which it thinks frivolous or trivial, and in such case may order the party bringing the matter before the court to pay the costs." That disposed of the objection uged by the leader of the Opposition that we were likely to have trivial disputes brought before the court. On the other hand it made it impossible for a dispute which at the outset might be comparatively insignificant in its nature to develop into anything serious. The clause removed all the obstacles and that interminable and circuitous procedure which was necessary before a dispute could be brought before the court. In doing this it would also undoubtedly avoid many of those serious disputes which had been allowed to develop, because the procedure of the court was hitherto so limited that it was impossible to have any matter settled straight away without going to a great deal of trouble and expense.

Mr. GEORGE: It was feared that the agreement or difference of opinion could be or most likely would be brought to bear on matters which should not trouble the Arbitration Court, and would interfere very considerably with what was really the management of a business. If an employer was to have any rights he must have some rights with regard to management. Assuming that an employee was working for him, a man whose capabilities were not up to the standard the employer thought they should be, and he parted with that man's services, that in itself could be made a disagreement and difference of opinion, and the employer could be forced to prove that his opinion was right, and that he was right in dismissing the man. If the Government desired to go to that length members would know where they were, but it was not an encouragement to a man to start in business. The clause also dealt with the definition of an industry, and he would ask the Minister in charge whether he was right in assuming from his opening speech that it was intended to cover every kind of work.

The Attorney General: Where they can have unions any class of work can be represented in that court.

Mr. GEORGE: Was it not a fact that any class of persons, provided they complied with the Act, could form themselves into a union?

The Premier: Yes.

Mr. GEORGE: Assuming there were no difficulties, this practically covered every species of employment in the State.

The Premier: Do you object to that?

Mr. GEORGE: It was only his desire to know that that was so.

Mr. TAYLOR: The leader of the Opposition and the member for Murray-Wellington had taken exception to that portion of the clause dealing with disagreement and difference of opinion. The hon. members might disabuse their minds so far as these words were concerned because though there was a union, no matter how strong it might be numerically or financially, it could not as a union cite a case in the Arbitration Court under the parent Act. It would be remembered that an award was given in the Arbitration Court in New South Wales, an award which was favourable to the employees; the employer submitted a case to the High Court and the Chief Justice ruled that the award was invalid on the ground that the union was not able to locate a dispute. The union had no quarrel but its members had had a quarrel and the members individually had located a dispute with their employer. The president of the Arbitration Court in this State, Mr. Justice Burnside, in view of that ruling compelled a case to be cited in a similar way in this State. What happened? If there was a disagreement or difference of opinion be-

tween employer and employee, and the employee was a member of an industrial organisation, or if there be more, they must individually locate their grievances with the employer. Mr. Justice Burnside had allowed them this privilege, and realising no doubt that it placed the employee in a rather precarious position by locating the dispute, he appointed an independent agent to do that and go to the employer and say that certain members of industrial unions who were in his employment had deputed him to lay the grievances before that employer; that the grievance was so and so, and to set forth the conditions the employers desired, and the employer would say yea or nay. The employees, as members of the union, would report to their secretary, whereupon a special meeting would be called to consider whether the grievance was sufficiently serious to warrant the citing of the case before the court. Unless the president of the court departed from the rule followed for the last four or five years, a case could not be cited without the dispute having been located by the employees, but the employer had power to appoint an agent to do this. He (Mr. Taylor) held that when an industrial trouble affected a body of workmen belonging to a union, the secretary of the union, protected from any action an employer might take, should be free to negotiate on behalf of his organisation with the representative of the employers; then, in the event of the negotiations failing, a case could be cited before the court. The clause could work no harm at all so long as the rule made by Mr. Justice Burnside held. No individual worker could cite a frivolous case, because the grievance had first to be adopted and confirmed by a special meeting of the union. He hoped the clause would pass as printed.

Clause put and passed.

Clauses 3, 4, 5—agreed to.

Clause 6—Amendment of Section 59:

Mr. FRANK WILSON: The clause provided for the appointment of a president of the Court. It was desired to again protest against the appointment of any other than a judge of the Supreme Court as president of the Arbitration Court. In the absence of the Attorney General perhaps the Premier would state whether he would be prepared to have the clause amended in order to provide for the appointment of one who was a judge. It would be a great mistake if the Government were given power to appoint a layman permanently to this position.

The PREMIER: An amendment such as that proposed would not be acceptable. As pointed out by the Attorney General, the Government desired the power to appoint, if advisable, one who was other than a judge of the Supreme Court as president of the Arbitration Court. A judge of the Supreme Court had certain qualifications which a layman had not, but, on the other hand, there were others in the community who had a pretty good knowledge of arbitration work, and industrial work, and arbitration matters generally, perhaps better knowledge than a judge could have.

Mr. Nanson: Will you observe the same conditions as govern the appointment of a judge of the Supreme Court?

The PREMIER: The conditions were laid down in the clause, and it was unnecessary for him to say more than was stated in the clause. No Government, Labour or Liberal, would be foolish enough to appoint a person in whom neither party to a suit would have confidence. If a strong partisan were appointed, it would probably result in more disputes than ever. The whole object of the Bill was to prevent industrial disputes and bring about a settlement of differences of opinion even on trivial matters, which, left unsettled, might grow into disputes. Again, it was desired to have a court that either party could approach without the difficulties with which the applicants were faced to-day. In the case of an industrial dispute it was a matter of opinion as to whether a layman was not just as likely to be impartial as a judge of the Supreme Court, and to have just as full a knowledge, perhaps a better knowledge of industrial matters than a judge could have, and yet engender as

much confidence in the parties as a judge would.

Mr. GEORGE: Under the present constitution of the court the employers had one representative and the employees another, while the functions of the president were those of a man skilled in points in which the other two representatives were unskilled, namely, questions of law. He believed the public of Western Australia would be better satisfied with the court if its president were a judge of the Supreme Court.

The Premier: We are satisfied otherwise.

Mr. GEORGE: The Premier had said he was satisfied otherwise. That was to say, a judge would not be appointed as president of the court. If that was so it was useless to say anything further.

Mr. B. J. STUBBS: There was marked inconsistency on the part of hon. members opposite. Early in the afternoon those who had spoken insisted upon a preference for wages boards as against the Arbitration Court; yet no judge of the Supreme Court had yet sat as chairman of a wages board, notwithstanding which the chairman of a wages board had equally as great power as the president of the Arbitration Court.

Mr. Frank Wilson: No, there is an appeal to the Supreme Court in the case of wages boards.

Mr. B. J. STUBBS: Under the wages board system of New South Wales there was an appeal to the Arbitration Court, which sat as a court of appeal, but in Victoria there was no appeal, except on points of law.

Mr. Frank Wilson: There is in Victoria a court of industrial appeal with a judge of the Supreme Court to which either side can appeal.

Mr. B. J. STUBBS: That provision must be very new, because in all the wages boards of Victoria of which we had experience there had been no appeal except on points of law.

Mr. George: Even the Minister may refer to the Supreme Court.

The Premier: That is why you wanted wages boards, so that the Liberal Minister could do as he liked.

Mr. B. J. STUBBS: The members of the Opposition were not so really anxious to see a judge of the Supreme Court in the Arbitration Court; their anxiety was to make an alteration in the Bill. Personally he would prefer a Supreme Court judge.

Mr. Frank Wilson: Will you support us in amending it to have a Supreme Court judge?

Mr. B. J. STUBBS: The Opposition would have his support in nothing, but the Government would be supported in anything they adopted. The position was that the judges of the Supreme Court did not like the arbitration work. Some of them had stated emphatically that they would resign their positions rather than preside in that court. It was undesirable that the court should be held up indefinitely because judges would not take the work, and if a judge were forced to occupy the position the satisfactory work they expected in cases of this kind would not be obtained.

Mr. Frank Wilson: We have done that for 10 years.

Mr. B. J. STUBBS: The judge who had the bulk of the work during the last 10 years was one who liked the work, and if there had been an agitator for these amendments of the Arbitration Act the late President of the court had been the most consistent. Yet the late Government had refused to listen to his appeal.

Clause put and passed.

Clause 7—Amendment of Section 68:

Mr. GEORGE: There seemed to be a little inconsistency in Subclause 3, which provided that the jurisdiction of the court should not be affected by the fact that no member of the union was concerned in the dispute. Was that just?

The Premier: Yes; because you allow an unscrupulous employer to employ non-unionists for the purpose of evading the danger of the court.

Mr. GEORGE: If in any trade in this State a case was cited in the court and a wage was fixed, then even the employer who was not attached in the dispute would pay the fixed wage. The employer should not be dragged into court if he was not a party to the dispute.

The ATTORNEY GENERAL: The subclause was the outcome of a case known technically as the Clancy case. An award had been brought in by the Arbitration Court which affected others besides those who were parties to the dispute, inasmuch as they were concerned in the same industry; and on the ground that it affected others who were not members of the unions, and were not parties to the dispute, the High Court held that the award was invalid. In every other respect the award was satisfactory and did not injure or put to any inconvenience those who were not parties, but merely on the technical grounds that the award affected persons who were not parties to the dispute, the award was upset. It was because of that case, and to meet others of a like nature, that the clause had been inserted.

Mr. GEORGE: There was an instance in this State of a firm who had not employed or did not employ a member of the union, and yet they were cited before the court by the union.

The Attorney General: Is there anything very wrong in that?

Mr. GEORGE: That seemed to be harassing an industry.

The Premier: Suppose this firm was sweating.

Mr. GEORGE: There was no question of sweating. The employer was satisfied, the employee was getting a fair wage, and he, too, was satisfied.

The ATTORNEY GENERAL: The point at issue might be illustrated by a supposititious case. Suppose an employer had several men working for him at 8s. a day and the men wanted 9s. per day, and went before the court. Across the street was another employer who did not employ unionists, but was in the same industry, and the work was the same in every respect. If an award was given which affected the first employer and his men, and did not affect the second employer and his workers, it was worth nothing, because the object of the award was to make all engaged in the industry conform to the one set of conditions, so that there should be uniformity of competition. That, and nothing else, was the object of the clause.

Mr. FRANK WILSON: That power already existed. There had been many cases in this State in which the award had been made to apply to all workers and employers in the industry.

The Premier: That is all right when you have the award, but before you have the award?

Mr. FRANK WILSON: If Subclause 2 was agreed to the difficulty would be overcome without inserting Subclause 3. The Attorney General had said that the finding of the court had been upset by the Supreme Court because I said there was no dispute. Here under Subclause 2 it could not be upset, so the same position could not arise in Western Australia.

The ATTORNEY GENERAL: There was a difference between the award and the decision of the court as to whether there was a dispute or not. The jurisdiction of the court as to whether there was a dispute was not final; this Bill made it so. But as to whom the award should affect was another question. The higher courts could not be robbed of their decision, and this decided who should be affected by the award once it had been given. The subclause covered the Clancy case and all similar ones that might arise.

Mr. FRANK WILSON: That point had been got over in the past by giving notice to all persons engaged in an industry regardless of whether they were members of unions or not.

The MINISTER FOR LANDS: It was undoubtedly true, as the leader of the Opposition had pointed out, that awards had covered cases such as those cited by the Attorney General for some time, but then an award was given by a court in New South Wales constituted similarly to that in Western Australia, and subsequently an appeal was made to a court other than the arbitration court, and a decision given, with the result that the course pursued previously was declared illegal, simply because a judicial decision was given covering a case in another State. This subclause was inserted to meet those instances, and to

provide that the course which had been followed in the past should be continued and the possibility of appeal should be removed.

Mr. FRANK WILSON: The objection still remained that people were dragged in who had no dispute with the employers. The subclause did not do away with the fact that read in conjunction with Subclause (a) of Clause 2 it extended power to the unions to cite cases where no members of the union were employed or directly concerned in the matter. That was the objection.

Mr. SWAN: One could understand the objection of some hon. members to the clause. It was the absence of such a provision that enabled many unfair employers who did exist in Perth to continue their undertakings. They could keep unionists out of their shops and be exempt from the operation of an award. In the electorate of the member for West Perth one employer for years treated his employees unfairly, and prevented his employees joining a union.

Mr. Allen: Who is that?

Mr. SWAN: Rosenstamm & Company. This firm paid its competent tradesmen 8s. a day, and its labourers 6s. and 6s. 6d. a day, in the very pleasant trade of tanning. Now, owing to the fight put up by the men and the formation of a union, the wages of the labourers were raised to 8s. a day, but not before a number of men were victimised when they attempted to form a union; and the tradesmen now were getting only £2 12s. 6d. a week. There were many attempts made to form a union during several years, but on each occasion many employees were victimised. Such a state of affairs showed the necessity for a clause of this description. It was unfortunate for the member for West Perth, but there were quite a number of unfair employers in his electorate. If the necessity arose the hon. member could have their names.

Clause put and passed.

Clauses 8 and 9—agreed to.

Clause 10—Amendment of Section 89:

Mr. SWAN: The clause used the term "average worker." It appeared to assume that the average worker required more than the least competent worker to enable him to live.

The Premier: The present Act provided for fixing the minimum wage by the least competent worker; now it was provided that it should be fixed by the average man.

Mr. SWAN: There semed to be no advantage in using the word "average," it might be struck out.

The ATTORNEY GENERAL: There was no particular objection to the proposed amendment, but "average" if retained would benefit the minimum man. It was to provide that, notwithstanding a worker was entitled only to the minimum wage, that wage was to be of the standard to enable the average worker, so far as competency was concerned, to live in comfort. It was the custom hitherto to have no concern with the wives and families of workers, but now the desire was to see that the minimum must be so high that it would give comfort such as the average man in the industry would need.

Mr. Taylor: It would be better to strike out the words "average worker" and insert "employee" in lieu.

The ATTORNEY GENERAL: That would be a distinction without a difference There was no need to alter the clause.

Mr. Dooley: "Average worker" is too vague.

The ATTORNEY GENERAL: The clause provided that the minimum wage must be sufficient to enable a man to marry and support a family. The word "average" was only to act as a guide. No strict term could be applied which would fix the standard of comfort.

Mr. SWAN: The Minister's remarks were more directed towards pointing out the merits of the clause. If we were to make provision for "average" worker we wanted to know who was to decide what an average worker was. The presumption was that the less competent the worker was, the smaller wage he could live on.

The Attorney General: It is to prevent the presumption.

Mr. SWAN moved an amendment—

That in line 4 the word "average" be struck out.

Mr. UNDERWOOD : The principle was that every man who was not an average man and who worked, had the right to live and keep a wife and family ; therefore we should fix the rate for every man in an industry. We wanted wages fixed which would enable every man working in an industry to earn a living which would keep his wife, family, and himself in reasonable comfort. As it was thought that to strike out the word would do no harm and would do no good, the Bill should be improved by a reduction of the verbiage. He would therefore support the amendment.

Mr. DOOLEY: The amendment would receive his support for the reason that the word "average" was too vague and indefinite. It implied that there was a difference in the ordinary requirements of any worker in an industry and it also admitted of various interpretations. He defied any member definitely to define what was meant by "average." It was a very vague term and if it was struck out the clause would be clear and explicit.

Mr. TAYLOR : The word made the clause rather ambiguous. We got an average by the capacity of the work a man could get through ; that was beyond doubt. The Minister did not intend it to apply to capacity.

The Attorney General : It does.

Mr. TAYLOR : Why should a man who could only do an average amount of work require less to keep him than a man who could do more work ?

The PREMIER : Under the present Act the court was only enabled to fix a minimum wage and that wage was based on the earnings of the least competent man in the industry. Once having decided what the least competent man was able to earn, the court could not rate above it, and owing to the employers making that the standard wage, low wages existed. The clause provided that the minimum wage should not be fixed on what the least competent man could earn, but on what the average man employed in the industry could earn, and that would be the minimum. To-day the average man had to live on less than he ought to receive because he was paid a minimum which was based on the wages paid to the least competent. If members looked at Clause 11 they would find that it got over the difficulty raised by some. It permitted the court to grade the workers employed in any industry and prescribe a particular rate of wages and conditions of employment for each or any grade or class. That was not what prevailed under the existing Act and it would certainly be preferable to the position as it was to-day.

Mr. Dooley: The whole clause is governed by the words "reasonable comfort."

The PREMIER : Not at all.

Mr. GEORGE : The Premier's argument destroyed itself. If Clause 11 was passed, as no doubt it would be, all trouble would be gone because whatever minimum was fixed there must be the minimum grade and that would get over what the hon. member wanted. As he read the clause, whatever wage may be fixed as a minimum it would allow any man receiving that minimum wage to live in reasonable comfort. The word "average" should be deleted from the clause. All that the Premier had been contending for was governed by Clause 11, which provided for the classification of workers in any industry.

The ATTORNEY GENERAL : If the word "average" were not allowed to remain there would be left only the vague phrase "reasonable comfort" as a sole guide. What was the meaning of "reasonable comfort ?" In the case of a savage it was a wigwam, in Ireland it was supposed by a landlord to be a log cabin ; even in Melbourne and Sydney there were to be found in the slums ideas of comfort which would shock hon. members if they came face to face with them. We were going to provide that the least competent should live in reasonable comfort. The clause said that whatever was prescribed as reasonable comfort for the average worker should be the minimum for the least competent. "Reasonable comfort" being a vague term it was necessary to have something further to throw a little light on its meaning, and this something further was

provided in the words "average worker." The whole thing was to prevent a continuation of the rule which had hitherto obtained, of making the minimum wage the maximum.

Mr. SWAN: While agreeing with Ministers in their object he was opposed to the means by which they sought to obtain it. The Premier had argued that the existing conditions of things was not as it should be. He (Mr. Swan) agreed with that, but disagreed with the system of fixing the minimum wage, which in nearly every instance was made a maximum. He was convinced that the insertion of the word "average" was going to have no bearing whatever on the situation. The Premier had said it would do no harm, but, as a matter of fact, it would do harm to the extent that it was serving to complicate the clause and render it more difficult of being understood, without having the effect the Premier desired. If it would have the effect of preventing the minimum wage being fixed, and insisting upon the average wage being fixed, he would be with the Premier. He was convinced that the amendment would improve the clause and tend to simplify it.

Mr. PRICE: There were no reasonable grounds for striking out the word "average." The Arbitration Court awards to-day were based on the earning capacity of the least competent man engaged in an industry, and the court having fixed the minimum wage, the employer immediately made that the rate to be paid to all workers. The clause, however, provided that the minimum wage should be based on the earning capacity of the average worker. The word "average" was necessary in order that the minimum wage should be based on the earnings of the average worker, while it secured to the least competent worker the wherewithal to provide for his wife and family.

The MINISTER FOR LANDS: The debate had ranged round the question of whether it was not desired to provide a lower standard of comfort for the man with the least degree of competency. That was not the object of the clause at all. Undoubedly what was regarded as a degree of reasonable comfort which a man might enjoy in his domestic life was largely governed by the wage that he received. Whatever might be a man's individual ideas as to what he should have in order to live comfortably, if he was only securing 7s. per day then his standard of comfort would necessarily be lower than if he were receiving 10s. per day. If the member for North Perth were suddenly reduced so that he received only 6s. 6d. per day, no matter what his requirements in the way of comforts might be, he would have to reduce his standard of living or go to the bankruptcy court. The point of the clause was that in the first place it desired to ensure that the minimum wage which was stipulated was one which would enable the worker, even if he were the least competent, to live in a degree of reasonable comfort, and, in the second place, to further ensure that when the court was deciding what was reasonable comfort, it would not base the standard on the requirements of those who were receiving 6s. 6d., but on what would be required by those workers of average competency who received higher wages. The principal object of the clause was to raise the standard of reasonable comfort, and to ensure that the standard would be higher than if determined on the standard of the least competent; but having provided that, to give the court power to grade and classify the workers, and not do as was done now, fix a minimum wage for the least competent and then leave it to the employers to grade the wages of the workers of a higher degree of competency, thus practically burking the whole aim of arbitration. It was not true that the word "average" was kept in the clause because it would do no harm. The Government desired to ensure a certain object, and they believed it could only be ensured by the words contained in the Bill.

Mr. CARPENTER: For some years there had been much debate as to how it was possible to get away from the practice of the Arbitration Court of fixing an award for the average worker on the minimum basis. But in spite of all discussion that had taken place on the sub-

ject, he had never heard anyone able to give a satisfactory solution of the difficulty, for the simple reason that the court must always fix the minimum wage. That clause in the principal Act would still remain and the court would still fix the minimum wage, and, he supposed, would still fix it as the remuneration to be paid to the least competent. This clause did not get over the difficulty experienced in the past, because the court were still given power to fix the minimum wage. He appreciated the object of the Government in trying to base the minimum wage on the ability of the average worker, but the average worker in point of ability might have some higher domestic obligations than the least competent, or he might have lower domestic obligations. What did the word "average" mean? Did it apply to a man's ability, or to his domestic obligations?

The Attorney General: His average wage-earning capacity.

Mr. CARPENTER: One Minister stated that it was the average earning capacity of the worker, and the Minister for Lands had stated that it was the average domestic obligation of the worker, which was to be the basis of the minimum wage. He did not believe that the word "average" was going to do what the Minister intended, but would make confusion worse than ever. Let the word average be omitted, and let it be provided instead that the minimum rate fixed by the court should be sufficient to enable the workman to whom it applied to live in reasonable comfort. He would support the amendment of the member for North Perth.

Mr. McDOWALL: The provision in the Bill was reasonable in every possible way. The average worker was the man who received the average wage. Suppose that in an establishment one man was receiving 8s., the majority of the workers 10s., and some extra good workers 12s.; then the men of average capacity were those who received 10s. per day, and the minimum wage would be 10s. per day, to which the man of 8s. would have to be raised. He would support the clause as printed.

Mr. NANSON: It would be wise to report progress so that the clause could be re-drafted. The object aimed at was clear, but it was exceedingly doubtful whether the words employed would succeed in effecting that purpose. The words average worker had in themselves no definite meaning. It was purely a matter of assumption that they referred to the industrial capacity of the worker. They might refer to the worker of average morals, or average height, or average breadth, but if the workmen of average capacity were meant, it would be well, in order to save appeals to judges, to use the words "worker of average industrial capacity." Merely to use the words "average worker" did not suggest the particular kind of average intended. It must not be left to presumption. The court must have a clear indication of what was intended, and we must not use ambiguous language. The court was to be allowed to classify workers, possibly into maximum capacity, average capacity, and minimum capacity; and the rate would only apply to the worker of average capacity, and not to the others. It was an exceedingly difficult matter to deal with and progress should be reported to give the Attorney General the opportunity to consult with the Parliamentary Draftsman so as to make the wording less ambiguous. As there was great diversity of opinion among members there would probably be diversity as to the meaning when the clause came to be interpreted by the court.

Mr. UNDERWOOD: The Act did not specify that the award should be for the least competent worker. The Attorney General seemed to argue as to the capacity of the man to do work. The average man would not live on more than another man. The point was not average capacity for work, but average capacity to live, the amount that would enable a man and wife and family to live in reasonable comfort, and there was no average about that. The average worker in the North-West and on the Northern Goldfields was a single man. We should

not give the power to the court to fix the minimum wage on what it cost a single man to live.

The ATTORNEY GENERAL: There was no vagueness in the clause. "Average" had relation to "minimum." The so-called minimum was to be the lowest rate of wage that would enable the average worker to live in reasonable comfort. The minimum rate of wage might carry a state of comfort that was insignificant; the average rate of wage gave a better standard, and the minimum should be a better standard. In estimating that standard the court must have regard to the domestic obligations to which the average worker earning above what might be called the minimum would be ordinarily subject to in any part of the State.

Mr. ALLEN: The word "average" as employed might have many applications. There might be men earning 8s., others earning 10s., others 12s. Of these three 10s. would be the average, and it was proposed to raise the 8s. man to 10s. Then the 10s. man would immediately become dissatisfied. Where was the thing to end? Again, a bricklayer might put in only 10 months of the year. What was his average to be?

Mr. SWAN: The desire was to secure to every worker a sufficient wage to enable him to live in reasonable comfort. By striking out the word "average" would we not get that result? He though so.

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

Ayes	.. .. ..	14
Noes	.. .. ..	21
Majority against	..	7

AYES.

Mr. Allen	Mr. A. E. Piesse
Mr. Broun	Mr. Swan
Mr. Dooley	Mr. Taylor
Mr. George	Mr. Underwood
Mr. Harper	Mr. Wisdom
Mr. McDonald	Mr. Male
Mr. Monger	(*Teller*).
Mr. Nanson	

NOES.

Mr. Angwin	Mr. McDowall
Mr. Bath	Mr. Mullany
Mr. Bolton	Mr. O'Loghlen
Mr. Collier	Mr. Price
Mr. Foley	Mr. Scaddan
Mr. Gardiner	Mr. B. J. Stubbs
Mr. Hudson	Mr. Thomas
Mr. Johnson	Mr. Walker
Mr. Johnston	Mr. A. A. Wilson
Mr. Lander	Mr. Heitmann
Mr. Lewis	(*Teller*).

Amendment thus negatived.

Mr. NANSON: Would the Minister explain the meaning of the words "domestic obligations." It was presumed that he knew the meaning and that the Government knew it, and it would be just as well, if it was a matter of comment, that the meaning should be embodied in the Bill.

The Attorney General: I do not think the hon. member is serious in this exhibition of ignorance.

Mr. NANSON: The meaning should certainly be placed in the Bill.

The Attorney General: The meaning is, obligation to wife and family. That is all.

Mr. NANSON: The clause was entirely silent as to the extent of the obligation and no one had ever read a clause in which the language was more general than this particular one. The court would have to interpret the meaning of the words. Why not leave the vagueness out, and why not endeavour to put the actual meaning in, so as to make the task of the court easy; or was it intended to leave it to the court to put its own interpretation on the words? What was to be the test? Were we to take an average family of five or three or seven? The courts were repeatedly complaining that matters of this kind were left vague, and it was impossible to give a satisfactory decision. Parliament did not know the meaning of the words, and if the Government did not know, how in reason could we expect the court to know? Either there was a meaning or there was not, and he asked what the meaning was.

The Attorney General: I think you know as well as I do.

Clause—put and passed.

Clauses 11 and 12—agreed to.

Clause 13—Amendment of Section 97:

Mr. GEORGE: The reason why this had been brought forward could be understood. There were reasonable grounds for it and there should be some provision to preserve a decent ratio of votes, in comparison to the total membership of the union. The clause had been framed to deal with unions which might have members working in different parts of the State and who might find it difficult to attend meetings. Assuming the head quarters were in Perth and the Perth members represented probably ten per cent. of the whole, and of that number only half appeared to pass a resolution, that would not be considered a reasonable ratio of the number of members in the union.

The Attorney General: Everyone in the union must vote by ballot.

Mr. GEORGE: Although that was so a matter that was thrashed out or dealt with by probably half a dozen members would not be regarded as entirely just as if it had been dealt with by double or treble the number. There ought to be a provision inserted that at least 25 per cent. of the members should vote.

Mr. O'Loghlen: Twenty-five per cent. would not take action if they did not think it would be endorsed by the other seventy-five per cent.

The Premier: It has to be subsequently endorsed by ballot.

Mr. GEORGE: Exactly; voting without the opportunity of hearing the argument. In connection with some of the union matters the members did not vote against the unions because they felt they hardly dared to do so.

Clause put and passed.

Clause 14—agreed to.

Clause 15—Amendment of Section 109:

Mr. GEORGE: This clause involved reference to and dealings with the Railway Commissioner's Act, and as it was a matter that would take considerable time, the Minister ought to agree to report progress.

The ATTORNEY GENERAL: As it was his desire to add a new clause he would agree to the suggestion. He moved—

That progress be reported.

Motion passed; progress reported.

House adjourned at 10.11 p.m.

Legislative Council,

Tuesday, 28th November, 1911.

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

ADDRESS-IN-REPLY — PRESENTATION.

The PRESIDENT: Hon. members I have His Excellency's reply to the Address, which is as follows:—

> Mr. President and hon. members of the Legislative Council. In the name and on behalf of His Majesty the King I thank you for your Address. G. Strickland, Governor, 28th November, 1911.

PETITIONS (2)—DIVORCE AMENDMENT BILL.

Hon. C. SOMMERS presented a petition from 3,640 citizens of the State, also a petition from the Bishop of Bunbury, against the provision in the Divorce Amendment Bill granting divorce for desertion.