MR. G. TAYLOR: Was difficulty experienced in regard to North-West prisoners, who came from a tropical climate? Would it not affect their health to bring them down to Rottnest, where the temperature was 10 or 15 degrees lower than in Perth? Having lived in the tropics of Queensland, he knew the effect it had, and to fetch people from a tropical climate and bring one to a place 15 degrees cooler than Perth meant death, unless he was a very sound healthy man.

THE PREMIER: The natives were clothed and housed. On a hot day in Perth when there was a land wind, there was a breeze at Rottnest. He admitted that natives had been attacked by epidemics, and that influenced him in his desire to keep within the tropics those natives who belonged to the tropics.

Item—Clerk and superintendent of salt works, medical dispenser, and heliographist, £200:

MR. DAGLISH: Why was one salary paid for these several offices, when some officers with much smaller titles had half a dozen salaries in this State?

Item—Pig food, £110:

MR. J. GARDINER called attention to this item.

THE PREMIER: There were a great many pigs at Rottnest. They were fed on rye, and the stuff was grown on the island.

MR. A. E. THOMAS: What revenue did we get from these pigs?

Other items agreed to, and the vote passed.

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

ADJOURNMENT.

The House adjourned at 11·30 o'clock, until the next Monday afternoon.

Legislative Assembly,

Monday, 20th January, 1902.

Question: Wanneroo Railway Project—Question: Imported Labour Registry Act, Administration—Question: Water Supply and Drainage, Elective Boards—Public Service Act Repeal Bill, first reading—Motion: Land Fertilisers, to Recommend—Paper presented—R.C. Church Lands Amendment Bill (Private), second reading, in Committee, reported—Trading Stamps Abolition Bill, amendment on report—Public Notaries Bill, in Committee, reported—Roads and Streets Closure Bill, in Committee, reported—Permanent Reserves Act Amendment Bill, second reading, in Committee, reported—Industrial Conciliation and Arbitration Bill, in Committee, Clauses 1 to 108 (Government employees), progress—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—WANNEROO RAILWAY PROJECT.

MR. M. H. JACOBY asked the Minister for Works: 1, Whether an inspection of the Wanneroo district has been made in connection with the proposed railway thereto. 2, If so, whether the report is available for members.

THE MINISTER FOR WORKS replied: No inspection had been made of the Wanneroo district in connection with any suggested railway thereto.

QUESTION—IMPORTED LABOUR REGISTRY ACT, ADMINISTRATION.

MR. H. DAGLISH asked the Colonial Secretary: Whether he has had inquiry made into the inefficient administration of the Imported Labour Registry Act, to which attention was drawn in this House some time ago; and, if so, what was the result of such inquiry.

THE COLONIAL SECRETARY replied: Since the reply given on October 2nd in regard to Asiatics supposed to be illegally at large, the Northern magistrates were communicated with on the subject, and from the replies received it would appear that there is little doubt that those who had not been returned to their country have been re-engaged under the Act.

QUESTION—WATER SUPPLY AND DRAINAGE, ELECTIVE BOARD.

MR. H. DAGLISH asked the Premier: Whether the Government has considered

the question of establishing an elective board to control the water supply of Perth, the suburbs, and Fremantle, and to initiate a scheme of deep drainage for the same area.

THE PREMIER (Hon. G. Leake) replied: The matter is being considered, but as yet no definite decision has been come to. There are several schemes proposed.

PUBLIC SERVICE ACT REPEAL BILL.

Introduced by the PREMIER, and read a first time.

MOTION—LAND FERTILISERS, TO RECOMMEND.

MR. C. HARPER (Beverley) moved:

That, in view of the enormous development promised in the utilisation of our second-class lands through the use of commercial fertilisers, it is desirable that some effective means should be taken to ensure the purchaser a knowledge of the value of such fertilisers, and that the Select Committee on the Agricultural Bank Extension be instructed to inquire into the subject, with the view of making recommendations thereon.

He said: I should like to call hon. members' attention to certain words in the last report of the manager of the Agricultural Bank. Under the head of "Fertilisers," he says:

The bank's properties are being improved to a considerable extent by the wide employment of commercial fertilisers that is so marked a feature of modern husbandry. This State possesses a large area of light lands which, with light phosphatic manuring, return marvellous crops. Indeed, it is yet to be seen if these light lands are not more profitable so treated than the heavier clay soil. The permanent enrichment of the soil by means of phosphatic applications is all in the bank's favour, as the soil's fertility is thereby improved. I am a strong advocate of the almost universal employment of the fertilisers I allude to, and generally contrive to help a client a little more liberally than usual when I see him with the seed drill and the phosphate manure bags on his property. In our arid country, the light land stands the drought much better than does the heavier land; and as that fact is more widely recognised, I am confident that much land now unutilised will come into profitable cultivation. Practically, for from four to five shillings per acre, many of our third-class lands are made to produce crops equal to those won from our best lands.

Of this class of land there is an enormous area, and it is to the State's interest to do all it can to encourage the use of fertilisers. The farmers have had considerable difficulty in arriving at the accurate value of these manures. This fact operates against their purchase; and I therefore ask the House to let the matter be referred to the select committee on the Agricultural Bank, with a view of their making some inquiries and suggestions.

MR. M. H. JACOBY (Swan): I do not think it necessary to say much in connection with this matter, because the House will no doubt readily concur in the motion. As a practical agriculturist, it is within my knowledge that there is an enormous quantity of adulterated manures foisted upon the agriculturists of this State. We have, it is true, an Act which was drawn to protect our agriculturists; but, unfortunately, the machinery of that Act is of such a nature as to render the measure practically inoperative. Probably the select committee will discover some means of overcoming this difficulty, and of thus preventing the sale of the large quantity of useless mixtures—some actually containing sand—which are now being disposed of to our agriculturists. I have pleasure in seconding the motion.

Question put and passed.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Report of Government Labour Bureau, 1901.

Ordered to lie on the table.

R.C. CHURCH LANDS AMENDMENT BILL (PRIVATE).

SECOND READING.

MR. T. F. QUINLAN (Toodyay): In moving the second reading of the Bill, I desire merely to tell the House that it is a purely formal measure, and that the Premier is agreeable that it should pass as quickly as possible. It is for the purpose of vesting in the bishop of a new diocese which has been created in Western Australia the control of certain lands formerly held by Bishop Gibney, who was then the only Catholic bishop of this State. The Bill will convey these from Bishop Gibney to Bishop Kelly, of the new diocese of Geraldton. There is nothing I can offer in explanation, beyond the fact that this is a purely formal measure.

Question put and passed.
Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

TRADING STAMPS ABOLITION BILL.

AMENDMENT ON REPORT.

Report of Committee of the whole House read.

On motions by MR. F. McDONALD (in charge of the Bill), all words after "trading-stamps" in the title were struck out, the words "and discount-stamps issue" were struck out of Clause 1, and "1902" was inserted in lieu of "1901."

Order made for third reading.

PUBLIC NOTARIES BILL.

IN COMMITTEE.

Clause 1—Short title.

MR. W. H. JAMES moved that the final figure 1 in "1901" be struck out, and "2" inserted in lieu.

Put and passed, and the clause as amended agreed to.

Clauses 2 to 14, inclusive, also schedules (2), preamble, and title—agreed to.

Bill reported with amendment, and the report adopted.

ROADS AND STREETS CLOSURE BILL.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

PERMANENT RESERVES ACT AMENDMENT BILL.

SECOND READING.

Debate resumed from 15th October, 1901, on the motion by the Premier.

MR. M. H. JACOBY (Swan): The object of this Bill, as I understand the measure, is to allow the Government to declare roads through and otherwise deal with areas which, under the Act of 1899, are permanently reserved. I wish to point out that there is some danger in passing this Bill, because under it roads may perhaps, without much public attention being drawn to the matter, be declared through reserves in respect of which it might otherwise be distinctly against public opinion that roads should be declared. In this class of permanently reserved areas we have cemeteries, parks, and gardens situated in cities or adjacent to cities. We might find repeated here the experience of South Australia, where the Government declared a road through one of the central parks of Adelaide, with the result that there was so much dissatisfaction at the occurrence that subsequently the analagous Act of that State was amended so as to make an Act of Parliament necessary before a reserve could be touched. It is not my desire to make a motion with regard to this Bill: I merely wish to point out that we need to exercise a little care before passing it. Otherwise it may happen some of our finest reserves will be cut up by roads or otherwise injured. If the present measure provided that a certain amount of (I may call it) circumlocution should be necessary before any step could be taken affecting permanent reserves, it would be more to the advantage of the community than to vest full power in this respect in the Government of the day. I observe that roads cannot be declared under Subsection 2 of the Act of 1899 without the observance of a certain procedure——

THE PREMIER: Is it not Sub-section 3?

MR. JACOBY: Which would give an opportunity of drawing public attention to the fact that it was proposed to declare roads. I wish to impress on the House the necessity for providing that nothing shall be done towards declaring roads through, or cancelling, reserves of the nature I have alluded to, without the fullest notice to the public.

Question put and passed.
Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of Section 3 of 63 Vict., 24:

MR. H. DAGLISH: Was there absolute necessity for this clause, which appeared to destroy the permanency of all our reserves? If it were at any time found necessary to declare a road through a Class A reserve, it would surely be easy to pass a formal measure. The present Bill, if passed, would practically do away with Class A reserves altogether.

THE PREMIER: Reference to the Permanent Reserves Act of 1899 would show that power was given to the Governor-in-Council to survey and declare certain roads over any reserves classified as B or C, but not through reserves classified as A. In the administration of the Lands Department the exception of the Class A reserves was found inconvenient: hence this clause of the present Bill. Some Class A reserves covered areas of from 1,000 to 10,000 acres, and consequently great inconvenience might result to the travelling public if there were no power to declare roads through these reserves. It was usual, of course, to give notice of the intention to declare a road; and consequently an opportunity to object was afforded. No private ends were to be served by this Bill.

MR. DAGLISH: The possibilities of the future had to be considered.

THE PREMIER: A comparison of the various reserves classed as A, B, and C under the Land Act would convince the hon. member that it was only right there should be power to declare roads through Class A reserves.

MR. W. H. JAMES: A measure of this class being required by the Lands Department, he had drafted the short Bill now before the House. Of course, there might possibly be occasions when an attempt would be made to declare a road through a reserve so small that the running of the road through it would destroy it; but such would be extreme cases. Class A reserves included some very large areas as well as small areas. The matter was safeguarded by the Land Act of 1898, and farther it was to be borne in mind that if a road were declared through a reserve so small that its utility would be destroyed by the making of the road, then it was in the power of Parliament to pass an Act to close the road. The Committee could trust to the Minister for Lands for the time being and to the Governor-in-Council to see that reserves were not spoilt. The officers of the Lands Department considered the present Bill necessary, and he for his part believed it to be necessary.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

IN COMMITTEE.

Bill, as amended in Committee *pro formâ*, now considered in detail (clauses re-numbered).

Clause 1—Short title:

MR. W. H. JAMES (in charge of the Bill) moved that "1901" be altered to "1902."

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

Clause 2—Interpretation:

MR. JAMES moved that after the definition of "Registrar" the following be inserted:—"Trade union means a trade union registered under the Trade Unions Act 1902."

MR. W. D. JOHNSON: Would it be binding on the Registrar of Friendly Societies to register a union under the Conciliation and Arbitration Act? There were unions which were not recognised by the workers, and, if these unions had to be registered, friction would arise. On the goldfields there were two unions which were recognised by the workers, and one which was not: would it be binding on the registrar, seeing that a trade union was registered under the Friendly Societies Act, to register it under the Conciliation and Arbitration Act?

MR. JAMES: Provision was made in Clause 120 by which a trade union might register. The object was to enable a trade union to register without forming a separate organisation and having separate rules, to avoid consequential expense. When a trade union applied to register, all objections could be raised. If the member for Kalgoorlie looked at the Addendum Notice Paper he would see it contained a provision which was made recently under the Act of New South Wales, wherein ample power was given to the registrar to revoke any registration improperly obtained, and deal with any local difficulty.

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

Clauses 3 to 6, inclusive—agreed to.

Clause 7—Special provisions as to registering societies of employers:

MR. JAMES moved that the figure "(1)" at the commencement of the clause be struck out.

Put and passed.

MR. JAMES moved that after the word "employers" the figure "(1)" be inserted.

Put and passed.

MR. JAMES said he intended farther to move that in Sub-clause 2, line 2, after "company" the words "incorporated under any Act or coming within the definition of foreign company within the meaning of the Companies Act 1893," be inserted.

MR. R. HASTIE: There was no objection on his part to this clause, but he did not see the utility of Sub-clause 2.

MR. JAMES: The first part of Clause 7 provided that a copartnership could become an industrial union of employers, if they so desired, but they must employ a certain number of hands. Under the Act in force any company—he spoke subject to correction—was entitled to register as a union of employers irrespective of the number of hands employed. Under Sub-section 2, before a copartnership could register as an industrial union there must be a certain number of employees.

MR. HASTIE: The first part of Subclause 2 said "except where its memorandum, articles, or rules expressly forbid the same." A company might be registered in Melbourne or London, with articles of association providing that the company should keep outside the union: that restriction should not be allowed. If those who were interested in a company in Western Australia wished to register, every facility should be given to do so, and the power should not be placed in the hands of a company—a great majority of whose shareholders were outside Western Australia—to prevent that company joining the union.

MR. JAMES: The clause was not a restricting one, but an enabling clause. If the memorandum of a company expressly said that the company should not do certain things, that company had not the power to do them. The Committee should not go to the extent of saying that if the memorandum or articles of association of a company said the company should not do certain things, they had the power to do them. If the articles of association of a company said that the company should not register under the Industrial Conciliation Act, the directors would not apply to register, and we could not compel a company to form a union if they did not wish to do so.

MR. W. D. JOHNSON: There were unions which did not believe in arbitration owing to the way in which the present Act was administered, and if a provision was inserted in the articles of association that the union should not register, then those employed under that union could go out on strike. The Conciliation and Arbitration Act was framed to suit both parties. The Committee had decided that arbitration was in the best interests of the country, and it should be the object of the Bill to compel all companies, labour organisations, and unions to register under the Act: then all disputes would be settled by arbitration. The clause distinctly excepted such companies as might state in their memorandum or their articles that they would not register.

MR. JAMES: Not at all.

MR. W. F. SAYER: Mr. Johnson seemed to misapprehend the clause. Every company or corporation was, as an employer, bound by the Bill, whether or not such employer registered. If the corporation desired to take part in electing the board, it must register. If it wished to stand aloof, it need not register; but in any case, it was bound as an employer.

MR. G. TAYLOR: How bound? If the employees cited a case for the court or the board, was the unregistered employer bound by the decision?

MR. SAYER: Certainly.

MR. DAGLISH: The use of the exception at the beginning of the clause was not obvious; for surely there were as yet no companies in this State having provisions in their articles that they should not register under the Bill. The clause was therefore an invitation to the companies to insert such a provision in their articles. Again, if such employer did not register, the company could lock out its employees, it being bound by the decision of the court only when it had appealed to the court.

MR. SAYER: No. Clause 98 provided that no person or corporation, whether registered or not under the Bill, should take part in any lockout or strike.

MR. DAGLISH: Why should a company employing 50 hands be entitled to registration as a union of employers? In this State such a company might be

represented by one manager. This was absurd.

MR. SAYER: It was quite consistent with Clause 3; because a corporation must consist of at least five persons, and Clause 3 provided for the registration as a union of employers of any society consisting of two or more persons.

MR. DAGLISH: Why should one corporation be treated as a union? A company was formed simply to fill the place of an individual capitalist, and was frequently represented here by one man. How could such a man be a union of employers and have the powers of a union? Surely a union must be one of members having some diversity of interest.

MR. JAMES: Every possible inducement should be held out to persons to become members of unions of workers or of employers. The more numerous the unions within the prescribed limits, the more effective would be the Act. The clause would induce companies to register as unions of employers, and the powers given them would not affect the working of the Act, but would merely give them the right to make certain recommendations and to vote for a representative on the board. Similar provisions were found in the New South Wales and New Zealand Acts, for the reasons given by the member for Claremont (Mr. Sayer).

MR. HASTIE: Supposing there were in one district two companies which registered as industrial unions, how would they stand with the individual employers registered in that district? Was not the object of the Bill to have in each district one society of employers with equal voting powers?

MR. JAMES: There could be as many unions of employers as were desired, save that such employers must be in the one industry; and the same with unions of workers. It was "one member one vote." A company would have only one vote, being, as a legal entity, a unit.

MR. HASTIE: Regarding employees, the tendency of the Bill was to have, as nearly as possible, one society representing one industry. But, say in Kalgoorlie, there might be 20 different unions of mining companies, each union having exactly the same interests.

MR. JAMES: That would not affect the employees.

MR. HASTIE: To come to a point, he moved that in Sub-clause 2, the words, "Except where its memorandum, articles, or rules expressly forbid the same," be struck out.

MR. TAYLOR supported the amendment. On the face of it, the clause as drafted was an inducement to companies to make provisions in their memorandum or articles to prevent their coming within the scope of the Bill.

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

Ayes	...	...	11
Noes	...	...	17
Majority against	...		6

AYES.	NOES.
Mr. Daglish	Mr. Butcher
Mr. Hastie	Mr. Gardiner
Mr. Holman	Mr. Gregory
Mr. Hopkins	Mr. Higham
Mr. Johnson	Mr. Holmes
Mr. Oats	Mr. Illingworth
Mr. Purkiss	Mr. Jacoby
Mr. Reid	Mr. Leake
Mr. Reside	Mr. McDonald
Mr. Taylor	Mr. McWilliams
Mr. Wallace (*Teller*).	Mr. Monger
	Mr. Phillips
	Mr. Pigott
	Mr. Quinlan
	Mr. Rason
	Mr. Sayer
	Mr. James (*Teller*).

Amendment thus negatived.

MR. JAMES moved that after the word "company," in line 2 of Sub-clause 2, there be inserted: "incorporated under any Act, or coming within the definition of foreign company within the meaning of the Companies Act 1893."

Put and passed.

MR. JAMES farther moved that the following words after "workers," in line 5 of Sub-clause 2, be struck out: "and which is incorporated under any Act or coming within the definition of 'foreign company' within the meaning of the Act 56 Victoriæ, No. 8."

Put and passed, and the clause as amended agreed to.

Clause 8—agreed to.

Clause 9—Provision to prevent multiplicity of unions:

MR. JAMES moved that before the word "court," in line 7 of Sub-clause 2, "president of the" be inserted. It was provided by this clause that if an objection was raised to the registration of a union the objection must be carried by way of appeal to the decision of the court. It was a question of procedure,

and needed to be decided promptly. We did not want those cases to go to the Supreme Court for the purpose of dealing with an application which would probably not take half-an-hour. In providing that the appeal should be to the president of the court, we should be following the procedure of New South Wales. There would be a consequential amendment where the word "court" occurred in two instances, to strike out that word and insert "president."

Amendments put and passed, and the clause as amended agreed to.

Clauses 10 and 11—agreed to.

Clause 12--Registered office and branch office of industrial union:

MR. G. TAYLOR: Must an office be in existence, or could it be an office only in name? He spoke with some authority on the question. The same thing applied to the Act now in existence. A union had been registered and the office registered in accordance with the Act; but there was no office really in existence, or one might hunt the street from end to end and not find it. The registered address was the post office, and persons had no opportunity of finding the office. He would move an amendment that the name of the office should be printed in a conspicuous place.

MR. J. GARDINER: Whilst appreciating what the hon. member said, he would point out that if every union was compelled to have a registered office with the name up over it, it would mean a heavy tax on the union paying the rent for the office. If it was necessary to have the name on a window, it necessarily followed that the union must rent an office.

MR. JAMES: The main object of this clause was to have some fixed place where notices and processes might be served, and if the address was obtained it did not matter, because documents could be left there and the service of documents at that address would be a perfectly good service. It might be desirable for members of unions, and also those who were not members but desired to conduct transactions, to know where the headquarters were, but he thought that in dealing with this Bill all we could do was to make provision to meet its purpose and not travel beyond that. Clause 12 would meet the requirements of the Bill by domiciling the place where documents might be served.

MR. TAYLOR: In Albany a stevedoring coaling union was legally registered, but one could not find the office. It was registered in Aberdeen street. One could walk to the end of the street and find no stevedore coaling union there. The address was the post office, and people at Albany could not find the office of the union. They knew it was a bogus union that had no existence. It was registered under the present Conciliation and Arbitration Act, and when we saw the Act evaded we should make arrangements whereby that kind of thing would be prevented. As a Trade Unions Bill was coming before Parliament, and as it was the desire of members that the amendment should be withdrawn, he would not press it. But it was to be hoped that in future the offices of trade unions would bear some sign or mark by which they might be found. In Queensland, no difficulty of the kind complained of was experienced. The Queensland Act was of such a nature that it prevented employers from forming bogus unions; but when the law in this State was silent, its silence appeared generally to be in favour of the opponents of trade unionism.

MR. HASTIE: The wishes of the hon. member might be met in the framing of regulations.

MR. JAMES: The matter having been brought to the attention of the Attorney General, the regulations would no doubt include a provision that the registered address of a union must be given in some specific way.

Clause put and passed.

Clauses 13 to 18, inclusive—agreed to.

Clause 19—Procedure for cancellation of registration:

MR. JAMES moved, as an amendment, that all the words after "Registrar," in line 3, be struck out and the following inserted in lieu:

> If satisfied that the cancellation is desired by a majority of the members of such union, and after giving six weeks' notice of his intention so to do, may, by notice in the *Gazette*, cancel such registration:
>
> *N.S.W. Act, s 8.*
>
> (2.) If it appears to the Registrar—
>
> (a.) That for any reasons which appear to him to be good, the registration of an industrial union ought to be cancelled; or,

(*b.*) That an industrial union has been registered erroneously or by mistake; or

(*c.*) That the provisions of the rules, articles, or regulations of the union are inadequate, or have not *bona fide* been observed; or

(*d.*) That the proper authority of the union wilfully neglects to provide for the levying and collection of subscriptions, fees, or penalties from members of the union; or

(*e.*) That the accounts of the union have not been duly audited, or that the accounts of the union or of the auditor do not disclose the true financial position of the union;

(*f.*) That any industrial union has wilfully neglected to obey any order of the court;

he may, after giving six weeks' notice to the secretary of the union of his intention so to do, and, unless cause is shown to the contrary, by notice in the *Gazette*, cancel such registration. If notice of objection is given on behalf of the union, the Registrar shall make application to the president of the court for the cancellation of the registration of the union, giving notice thereof to the secretary of the union.

The president shall hear the said application, and if of opinion that the registration of the union should be cancelled, may so order, and thereupon the registration and incorporation of the union under this Act shall be void.

Cp. s. 24 (2) of this Act. 1900 Act, s. 12. N.Z. Act, s. 20 (2).

(3.) Such cancellation shall dissolve the incorporation of the industrial union, in so far as this Act is concerned, but shall not relieve the union, or any member thereof, from the obligation of any industrial agreement, or any award or order of the court, nor from any penalty or liability incurred prior to such cancellation.

No cancellation during pendency of proceedings. N.S.W. Act, s. 9.

(4.) During the pendency of any reference to the board or court, no application for the cancellation of the registration of an industrial union shall be made or received, and no resignation or discharge of the membership of any industrial union or of any company, association, trade union or branch, constituting an industrial union, shall have effect.

The amended clause, as in the Notice Paper, would prove more effective than the clause as it stood in the Bill. Sub-clause 1 of the amended clause gave the registrar power, under certain conditions, to cancel a registration if satisfied that the cancellation was desired by a large majority of the members of such union. The proposed new Sub-clause 2 would meet the difficulty which recently cropped up; because it gave the registrar power to cancel the registration of an industrial union if it appeared to him that there were good reasons for the cancellation, or that a union had been registered erroneously, or by mistake, or that the provisions or rules of the articles or regulations of the union were inadequate or had not been *bona fide* observed, or that the proper authority wilfully neglected to provide for the levying or collection of subscriptions, fees, or penalties from members of the union, or that the accounts of the union had not been duly audited, or that the accounts of the union or of the auditor did not disclose the true financial position of the union, or that any industrial union had wilfully neglected to obey any order of the court. If notice of objection to the cancellation were given, the registrar would at once make application to the president of the court, who would decide the matter.

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

Clause 20—Industrial associations may be registered:

MR. R. HASTIE: The necessities of the case would be better met by the re-enactment of the corresponding section of the present Act, which simply provided that any council or other body representing not less than two industrial unions might be registered. The inclusion of the words "of the one industry," in line 2, might have the effect of restricting the privilege of registration to associations representing members of but one industry. This would shut out the Australian Workers' Association, which extended its operations over the sparsely-populated districts of this vast State, and included in its ranks workers in many different industries.

MR. JAMES: It was provided by the present Act that unions should as far as possible represent a certain industry, and that workers employed in the same industry in one district should be united under one head, which would control, to a large extent, the unions representing the various aspects of the one industry. If the Committee struck out the limiting words, their action would be somewhat in conflict with the earlier provisions of the Bill, which required that members of a union should belong to a particular

industry. Clause 20 simply represented a continuation of what had been previously agreed on, and Sub-clause 2 was inserted for the purpose of meeting cases where either there was more than one union in a particular industry in a district, or where the industrial union did not belong to an association. Where the number in a district was not sufficient to form an effective or useful association, Sub-clause 2 would meet the case. As far as possible, where unions did associate, the association should be based on a similarity of interests.

MR. HASTIE: The argument of the hon. member (Mr James) would be perfectly sound if this were a thickly-populated State. The Committee must bear in mind, however, the extremely scattered nature of our population in such districts, say, as the Murchison. No Trades and Labour Councils were to be found in the Murchison, where there was only one association, namely the Australian Workers' Association, comprising workers of all trades. It was possible the provision might give rise to a great deal of legal quibbling, because a large number of members of the association did not belong to the one industry. To avoid the danger of trouble in that respect, it would be well to omit the words "of the one industry," so that any unions might combine to form industrial associations. The great advantage resulting from industrial representation was that the representative body had a say in the number of cases to be brought before the arbitration court. The object of the hon. member would still be met if these words were excised.

MR. JAMES: The matter might be plausibly argued either way, and therefore he would be glad to meet the wishes of the Committee, although his opinion was that Clause 20 was better as it stood. He would have no hesitation in urging his view more strongly did he not realise that under the existing Act there had grown up certain bodies, on which the clause in its present shape might press somewhat hardly, possibly destroying them, but at any rate necessitating their reorganisation. That, indeed, in spite of the arguments of the hon. member (Mr. Hastie), was the only possible reason which could be urged for amending the clause.

MR. DAGLISH: The reason was a fairly good one.

MR. G. TAYLOR: There were in this State unions which protected workers of all classes. To leave the clause as it stood would be to deprive a large proportion of workers of all protection; and these workers would therefore be prevented from availing themselves of the measure. The Workers' Association, for example, included in its ranks every class of labourer engaged in connection with the mining industry—under-ground miners, battery hands, the men who did timbering work, and the surface hands. If the clause, as it stood, meant the breaking up of large existing organisations into numbers of small unions, it was most objectionable. The system would then not be as workable as at present: large bodies of workmen were always better organised.

MR. HASTIE moved that in line 2 the words "of the one industry" be struck out.

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

Clause 21—agreed to.

Clause 22 — Industrial disputes in related trades:

MR. J. GARDINER moved that the clause be struck out. This was a rather dangerous provision, full of technicality, and so constituted as to lead to endless dispute. There was no necessity for the clause at all. Let every trade stand on its own bottom. It was a difficult thing, especially in a new country, to define where the different trades began and ended their connection. There was no telling what was, or what was not, a related trade.

MR. DAGLISH: It would be better if this clause were struck out, for it was not known whether it would serve any useful purpose. The Committee could judge of its usefulness later on.

MR. JAMES: The clause was considerably modified from that in the New Zealand Act. It did not rest with the board of its own motion to say that a particular dispute affected certain trades, but it was left to two authorities, the Governor-in-Council and the court. The object in providing that the Governor should publish a notification in the *Gazette* was that the court might recommend that certain two trades should be

held to be related; so that if the question came up in the future dealing with the particular trades, instead of these two trades being forced to go to court, there would be a prior decision, and the matter could be dealt with by the board. Extensive power was given to the court, but the New Zealand and New South Wales Acts were more extensive in this particular and gave the court enormous power. Clause 22, as it stood, might go too far, and he was prepared to accept the suggestion by the member for Subiaco (Mr. Daglish), and allow the clause to be struck out. We could see if the needs justified it later on.

Amendment put and passed, and the clause struck out.

Clauses 23 to 33, inclusive—agreed to.

Clause 34—Number of members of board, and election:

MR. JAMES: Although not liking experiments in connection with Bills, he had a strong feeling that a very great improvement would be made provided the chairman of the board was appointed by the Governor in Executive Council. If someone could be got free from party feeling who would make an efficient chairman, and who would do his best to bring the members together, that was what was desired. It was not by any means an easy matter to get an efficient chairman. It might be possible to get a resident magistrate, and one could hardly conceive a better chairman than the Resident Magistrate of Perth to deal with disputes. There would be more satisfaction if there was one member on either side and the chairman selected by the Governor-in-Council. As it was now, there were seven members, three on each side, one side watching the other to see what mistakes were made. When the evidence had been heard each side retired: that was the worst thing that could be done. The whole board should meet together and discuss the matter between them, but at present three members on each side consulted together after the evidence had been given, which was a great mistake.

MR. GARDINER: Mr. Justice Backhouse touched upon the difficulty that Mr. James had referred to. He said that the appointment of chairman should be left to some outside authority; for if it be left with the Government, there was the chance that someone would be appointed who was in accord with the policy of the Government. The appointment should be placed apart from political influence. The best men in whom to place the power would be the Chief Justice or the President of the Arbitration Court. What was desired was impartiality and tact, and the suggestion that the Chief Justice or the President of the Arbitration Court should appoint a chairman seemed a sensible one.

MR. HASTIE: This was a new idea so far as conciliation and arbitration were concerned, and something similar to that suggested would be very useful; but when we came to decide upon the person to appoint as chairman, then there arose a difficulty. If the Government appointed the chairman, no doubt, as suggested by Judge Backhouse, somebody politically sympathetic with the Government would be appointed. If the President of the Arbitration Court or the Chief Justice appointed the chairman, how would either of those persons select anyone outside Perth? Take Kalgoorlie or Murchison: what means would either of the persons named have of selecting a really good man? Some suggestion might be made to insert a provision to the effect "or failing the members of the board, then the appointment be made by the Governor-in-Council." After all, the Governor-in-Council might make the best selection. It had been usual in the past to agree upon a chairman, and the members should have the first opportunity of doing so: if they could not come to terms, then the Governor should make the appointment.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

MR. J. GARDINER moved that the following be added to stand as Subclause (*c*): "Provided that if expert knowledge of any trade be required, the parties to such dispute shall be allowed to nominate one representative each, as provided in Section 99." He wished to avoid the great mistake of the New Zealand Act, by making the boards of more assistance than they had been in that country, limiting the number of members to three, and providing that if experts

were required, each party should nominate an expert. Judge Backhouse's report showed much time had been wasted when, say, a tailor, a baker, and a butcher, with a clergyman or a lawyer as chairman, had had to decide technical points concerning bootmakers or printers. The sub-clause would make the board of real use, and its decision would carry weight. The only moot point was whether these experts should have a voice in the final decision of the board, or should be purely advisory.

MR. HASTIE: Clause 99 already provided that, when necessary, two experts might be called in as assessors, presumably as members of the board. The new clause seemed unnecessary.

MR. GARDINER: To special boards he was opposed, and wanted only two expert members. If Clause 99 covered his proposal, he would withdraw the amendment.

MR. JAMES: Clause 99 was sufficient.

Amendment by leave withdrawn.

MR. TAYLOR moved that in line 2 of Sub-clause 2, the word "three" be struck out, and "one" inserted in lieu.

MR. JAMES: Three months was a very short time. The existence of the registered office was *primâ facie* evidence that the union had some members; and it was desirable to prevent a mushroom union suddenly opening offices in an industrial district immediately before an election, thus disturbing the ordinary voting power of residents. It would be strange if such unions acquired a status only one month before an election for a member of a board was held.

MR. DAGLISH: The last speaker overlooked the point that the clause covered new unions as well as old. To register a new union, from six weeks to three months was required.

MR. TAYLOR: Not if it were an Albany stevedoring union.

MR. DAGLISH: This would virtually mean that a new union would not be able to qualify to exercise a vote unless it had been in existence possibly six months, or very close upon six months. If the hon. member would adopt some condition to exempt from its operation a newly-formed union, the sub-clause might be allowed to stand.

MR. JAMES: A new union might be formed very easily and very quickly.

MR. HASTIE: The view of the member for East Perth (Mr. James) was that probably just before an election took place a number of small unions might be formed, so as to have in their hands practically the nomination of the board. In some respects it would be better to have three months, but we must consider the immediate future. Whenever this Bill was passed a very large number of unions would, all believed, at once proceed to register, and, if this proviso for them to register three months before they could vote were passed, they would practically be disfranchised. One month would be quite long enough for a considerable time, and afterwards when we had some amendments of the measure the time might be extended to three months.

MR. JAMES: That proviso for three months would do.

MR. TEESDALE SMITH: The old Act was still in force, and the bulk of the men had already formed their unions and registered them. Although he had no great objection to one month, because a certain amount of time would be required to register the unions after they had been formed, still he thought the member who framed the Bill was studying the interests of the employer as much as the interests of the employee, therefore he would like to see three months retained.

MR. GARDINER: Unions when registered should have the full powers and benefits of registration in every way, and he thought a month after registration would do. The period of three months was rather too long.

MR. TAYLOR: The men having, a month after registration, been perhaps five or six months in their union, they should have voting power in their industrial district, and he could not see why the member for East Perth should endeavour to press three months as against one. As far as voting power was concerned, if any case was decided by the court, the parties would have to abide by the decision arrived at by the court or by the Act. Therefore they should have the right to vote in their district a month after registration. Personally he would like unions to have the full privileges of this measure immediately after they were registered, but in reducing the term from three months to one, he did not see what objections could be raised.

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

Clauses 35 to 40, inclusive—agreed to.

Clause 41—Casual vacancies:

MR. J. RESIDE: Sub-clause 5 contained the words "is absent from four consecutive meetings." In his opinion four was rather a large number.

MR. TAYLOR moved that "four" be struck out and "three" inserted in lieu.

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

Clauses 42 to 44, inclusive—agreed to.

Clause 45—Quorum of board:

MR. JAMES moved that after "one-half," the words "in number" be inserted.

Put and passed.

MR. DAGLISH suggested that the words "including one of each side," in line 2, be struck out. It might be possible for one side entirely to absent itself.

THE MINISTER FOR MINES: Did not the sub-clause help the hon. member?

MR. DAGLISH: Yes; he saw those words, but it was a very hard thing to prove "wilful absence." Any member of the board might be able to prove that he had important business to transact at the time the board was sitting, and the mere fact of the whole of the members of one side being absent would be no proof in itself that the absence of those members was wilful. Men should not take a position on boards or bodies of this description unless they were prepared to give due attention and regular attendance at meetings of these boards. The amendment he proposed would only have the effect of causing both sides to be zealous in putting in attendence.

MR. W. F. SAYER: We were dealing with a board of arbitration, and one of the first principles of arbitration was that both sides should be represented. In the New Zealand Act it was provided as in this Bill that one-half of the members at least should be present, including one of each side. That was a very wise provision.

MR. DAGLISH: The amendment he proposed would make both sides attend more regularly.

MR. SAYER: Such might not be the case. There might be a tribunal with two arbitrators in the interests of the employers, or one with two in the interests of the workers, and that would be a most undesirable thing.

MR. HASTIE: The object of this amendment was to give particular reason for both sides to turn up.

MR. SAYER: We had a proviso that if it were shown to the satisfaction of the chairman that any member wilfully absented himself from the sitting of the board, the quorum should then consist of the chairman and one-half of the remaining members of the board.

MR. DAGLISH: How could wilfulness be proved?

MR. SAYER: The chairman would have no difficulty in coming to a conclusion whether absence was *bona fide* or not. In the proviso to which he had referred, there was every security, whereas if we struck out the words proposed to be struck out we should be constituting a tribunal which to his mind would offend against one of the first principles of arbitration.

MR. R. HASTIE: The obvious desirability of having both sides represented should induce members to support the amendment. The knowledge that the board would proceed in their absence would bring about the attendance of representatives who might possibly be undesirous that the case should proceed.

MR. JACOBY: Supposing a representative were ill?

MR. JAMES: The absolute certainty that both sides should be represented was secured by the clause, whereas the amendment desired to secure attendance by an indirect method. Strong objection had been raised to the striking out of the words. The provision would not work unfairly in practice; and there was good precedent for it. Under the circumstances the member for Subiaco (Mr. Daglish) would, perhaps, see his way to accept the clause as it stood. The provision, whilst earnestly desired by the employers, could do no harm to the workers.

MR. DAGLISH: The amendment would make the clause fair to both sides.

MR. JAMES: The representatives of the employers, it was urged, might not be able to give so much attention to the business of the board as the representatives of the workers. The former representatives might be prevented from attending; and in that case, the employers considered, it would be a somewhat heavy penalty if the board proceeded in

the absence of their representatives. The argument acquired additional force when it was remembered that this was not an ordinary board or court of arbitration. The Committee must realise that the tribunal to be created by the measure would not be an altogether impartial one. Each set of arbitrators would urge, on broad lines, the claims of the side it represented.

MR. DAGLISH: We did not yet know what number of members would constitute a board of arbitration. The board might consist of one representative of each side, and a chairman. Then, if one member could not attend, the board of necessity would not be able to sit. Moreover, a member of the board might be absent from the State for two or three months.

MR. TEESDALE SMITH: The next clause provided for that contingency.

MR. DAGLISH: A member might not miss more than one meeting of the board, and still by doing so bring the work to a standstill. Not three meetings of the board might be called in twelve months. The calling of meetings was a matter resting entirely with the chairman and the clerk of the board. There could be no question of a proportion of members on each side being present if each side were represented by only one member. He would cheerfully refrain from pressing the amendment if the member for East Perth (Mr. James) could satisfy him that the clause as it stood would result in an effective board.

MR. JAMES: A measure with a provision similar to that now objected to proved operative in New Zealand.

MR. DAGLISH: But our board might be composed of a smaller number than the New Zealand board. The board under this measure might consist of only three members.

MR. JAMES: If the board consisted of only three members, then there would be still greater force in the arguments of those contending that each side should at any rate have one representative present. It would be urged on behalf of the employers that it was much easier for them to be left unrepresented if each side had only one representative; since there was more chance of one man falling ill than of two or three falling ill at the same time. The smaller the board, the greater the need for the clause as it stood.

MR. DAGLISH: If the board consisted of only three members, it would be necessary to provide for emergency representation.

MR. JAMES: It was not easy to see how we could go farther. Possible and even probable contingencies and difficulties could be urged against every clause of every Bill, without however being encountered in practice. The provision that the chairman must be satisfied no member was wilfully absenting himself from the sittings of the board covered the difficulty for all practical purposes.

MR. TAYLOR: Would the issue of notification for a meeting of the board be considered as equivalent to a sitting of the board, for the purposes of this clause?

MR. W. M. PURKISS: The Committee should support the clause as it stood. We could have no better guide than experience; and this clause almost precisely followed the terms of the New Zealand Act, which had stood the test of several years. The provision had worked smoothly in New Zealand. While there had been lately a good deal of discussion and criticism on the New Zealand Act, this clause, it was to be noted, had not been mentioned as a contentious one.

MR. TAYLOR: Did the present Bill contain any provision for the summoning of a court to cancel a registration of a union? As the court was at present constituted, we could not have a sitting of the court of arbitration at all; because his honour the Chief Justice and the representative of the employers were absent from the State.

MEMBERS: The clause referred to the board; not to the court.

MR. DAGLISH: In view of the remarks of the member in charge of the Bill, he would not move his amendment.

Clause as amended agreed to.

Clauses 46, 47, and 48—agreed to.

Clause 49—Special boards may be created in certain cases:

MR. GARDINER: Clauses 49 and 50 should be struck out altogether. One object of this measure was to make its working as simple as possible, and for that reason there should be no boards of experts. One consideration which had induced him to move an addition to

Clause 34 was the desire to do away as far as possible with the need for boards of experts, which in nine cases out of ten were merely an expensive luxury, tending to prolong disputes. To allow an ordinary board the benefit of expert evidence would be sufficient; and Clause 99 made adequate provision in that respect.

MR. JAMES: It was to be hoped that the Committee would not strike out Clause 49. One part of it, at any rate, the hon. member (Mr. Gardiner) could surely not have intended to strike out; because provision must certainly be made to deal with disputes arising outside the limits of an industrial district. In the case of a dispute of wide ramifications, which might arise at any time, it would certainly be advisable to constitute a special board to settle the difficulty. The qualifications imposed put a sufficient check on the exercise of the power, which would rarely be used save for the settlement of disputes arising outside the limits of an industrial district.

MR. GARDINER: In moving that Clause 49 be struck out, he had made a mistake. His intention was to move that Clause 50 be struck out, and he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 50—All other provisions applied subject to certain modifications:

MR. GARDINER moved that the first paragraph be struck out. There was no wish to take away a ground of appeal. Provision was made later in the Bill for appeals from the decision of a board to the court. There was no necessity, so long as the board had power to call expert evidence, for creating boards of experts. The common sense of an ordinary board, fortified by expert evidence, would in many cases be of greater use in the settlement of disputes than the special knowledge of a board of experts.

MR. JAMES: While unable to accept the amendment, he desired to make it more clear that the power given by Clause 49 was limited. Clause 50 in effect said merely that if a special board were appointed, the members of such special board should be experts. The very form of the board indicated that it was to be constituted only to settle disputes of such a nature as to necessitate expert evidence. If we admitted that difficulties might crop up in connection with disputes which required expert men to decide them, it would be a good thing to have the members of the board experts in the particular trade concerned rather than call expert witnesses to speak to inexpert judges. It would be far better to have the board constituted of experts.

MR. TEESDALE SMITH: Being totally opposed to conciliation boards, he would vote for the amendment, as this clause only created another difficulty. It would be better to have the members of the board hear expert evidence, for no doubt employers would appoint men thoroughly competent to deal with the questions in dispute. A board of experts might lengthen any dispute.

MR. J. RESIDE: Working men always believed in experts representing them at any board. The workers believed in a man who represented them before any particular body having a thorough knowledge of the trade in which they were engaged. An expert board would be good for any special emergency. He opposed the amendment.

MR. J. GARDINER: The view of the member for Hannans (Mr. Reside) would be met by Clause 99, which provided for expert evidence being called or summoned. He did not desire to see the number of boards multiplied. If expert evidence was required in any particular trade, persons would have to be brought from districts all over the State. Expert evidence could be called, and either party could appeal to the Arbitration Court in the event of dissatisfaction.

MR. DAGLISH: If the amendment of the member for Albany (Mr. Gardiner) were lost, Clause 5 would require amendment. A special board might be summoned in an emergency, when the ordinary board failed to hold meetings through absence of the members. All the members of the ordinary court would be available, and could be included on the special board. If the amendment be lost, the word "may," in line 1, should be substituted for "shall"; but at present he would support the amendment. It was very hard to get two men to agree as to what was an expert, and unless there was a clause defining the word, the matter would remain very much as at present.

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

Clause 51—Procedure for reference of industrial disputes to board:

MR. GARDINER moved that in Subclause 7 the words "unless all the parties to the reference expressly consent thereto" be struck out. If men had honest and just reasons, they required no advocates to put their case before the board. Judge Backhouse, in his report, was against the employment of barristers or solicitors before the board. We should avoid the lengthening of disputes and get right at the kernel of a dispute. The facts should not be magnified on one side or the other, and it should not be optional whether solicitor or counsel appeared before the board.

MR. JAMES: It was to be regretted that one saw in the House a reflection of the gross narrow-mindedness that existed outside. It was discreditable that sentiments which were expressed elsewhere should be re-echoed in the Chamber. The legal profession was an honourable one; it was a profession in which in every country were found prominent men speaking on behalf of democratic principles. He need not point to America. The most democratic people in Australia to-day were legal men, though there seemed to be an impression outside that because a man was a solicitor he should not be listened to. Was one to understand that although parties before the board might wish a solicitor, lawyers had no right to carry on their business? The clause provided that unless both sides agreed, legal men should not appear. A gross, cowardly attack had been made on the profession, and he hoped that he would not be guilty of such an attack on anyone. The law was an honourable occupation, as honourable as any carried on by any member of the House, whether land agent or any other agent. He could have expected such a statement as that made from the member for Mount Margaret (Mr. Taylor), but he did not expect it from the member for Albany (Mr. Gardiner). When one talked about trained advocates, in New Zealand there were men who practised before these boards, and they were just as much trained advocates as lawyers were. He appealed to members for fair-play.

MR. GARDINER: It was not intended to cast any reflection on what had rightly been characterised as a noble profession. We did not want advocates any more than lawyers before these boards. Wherever lawyers were concerned, their eloquence undoubtedly was paid for, and that led them to exaggerate the state of the facts, and to influence where the plain statement of facts might not do so. He wanted the cases decided by the parties interested. There were agitators in New Zealand going about from one place to another, and a similar state of affairs should not be allowed here. He desired to see the men meeting before the Arbitration Court, and laying their case before the court for their decision, giving plain facts, without any embellishments at all. On neither side were paid advocates required, for they would frequently lead the court to a decision different from that which might be arrived at on the bare facts.

MR. JAMES: Therefore no persuasive speaker should be allowed, but all the argument should be in writing.

MR. GARDINER: If the wrongs complained of were just wrongs, the parties could always find laymen to express them. However, he would withdraw the amendment in deference to the hon. member.

THE CHAIRMAN: Should the amendment be withdrawn?

SEVERAL MEMBERS: No.

MR. W. D. JOHNSON: Why press the amendment? The sub-clause practically provided that lawyers should not appear, as the workers had the option of preventing their appearance. In all workers' unions there were experienced tradesmen, from whom the best men would be picked to appear before the boards. Lawyers would prove an expensive and unnecessary luxury; and as the workers had in their own ranks capable advocates, they wished the power to prevent employers from retaining lawyers.

MR. TAYLOR: There was already ample scope for lawyers; and this was the only Bill in the administration of which lawyers were debarred from interfering. As the employers were probably better able to put their cases before the board than were the workmen, the parties could well be left without the assistance of counsel.

THE PREMIER opposed the amendment, because the words proposed to be struck out—"unless all the parties to the reference expressly consent thereto"—could not do harm, it being open to either side to block the employment of counsel. This was going far enough. If the employment of lawyers were so pernicious, why did the Bill insist on the president of the court being a lawyer?

MR. GARDINER: This sub-clause dealt with the board.

THE PREMIER: In any event, the profession would be consulted ere the parties came before the court or the board, and the lawyers would get their pickings. Nothing was said of "bush" lawyers. They also should be barred, there being plenty of them among both employers and workmen. If the member for East Perth (Mr. James) divided the Committee on the amendment, he would vote against it.

MR. HASTIE: The discussion was waste of time. To carry the amendment would limit unnecessarily individual freedom. If either party objected, lawyers would not be admitted.

MR. DAGLISH supported the amendment. There was no reflection on lawyers; but the conciliation board was not a law court, therefore why should lawyers introduce points of law, or lengthen and probably embitter the proceedings?

MR. JAMES: Had they not a right to do as others did?

MR. DAGLISH: They had that right. By a prior sub-clause, both parties might appoint "any person" as agent before the board, which agent might be a carpenter or a solicitor.

THE PREMIER: Not a solicitor, if this sub-clause remained unaltered.

MR. DAGLISH: "Any person."

THE PREMIER: By the ordinary rule of construction, the latter sub-clause would override the former.

MR. DAGLISH: If the dispute were between members of the same trade, tradesmen were the best advocates to appear before the board. As we excluded from courts of law professional advocates other than lawyers, we should exclude from the arbitration board advocates other than persons having a direct knowledge of the industry concerned.

MR. W. M. PURKISS supported the sub-clause as printed. One would think it was mandatory on both parties, or optional for either, to secure the service of a solicitor or barrister; but no lawyer could appear except with the consent of both employer and employee. Then why, if both parties were of one mind, should they not have the right they had in all other circumstances? Where was the harm or the wrong in the sub-clause?

MR. J. RESIDE opposed the amendment, which was unnecessary. The sub-clause permitted the workers to say whether lawyers should appear for either side, and on almost every occasion the workers would prohibit such appearance; but an emergency might arise when a lawyer would be required.

MR. GARDINER again asked leave to withdraw the amendment.

THE CHAIRMAN: Leave to withdraw the amendment had already been refused.

MR. JAMES: It might be a good argument to say the persons who appeared should be only those who were agents, whether they were counsel, solicitors, or of any other occupation: but if this amendment were carried, people could not even appear as agents. All knew the reason of that was that the workers as a rule could get men qualified to conduct their case, and they were always at an advantage as compared with the employers. The fact was that on behalf of the men one could find representatives who were acute minded, vigorous, smart men, more qualified he supposed to deal with these questions than any man the employers could produce, indeed far more qualified than any lawyer to deal with that particular question. The answer to the assertion that counsel were not qualified was that, if counsel were not qualified, they would not be employed He thought that the bar as it stood in New Zealand was unfair. There might be good reasons for it, but he would not say whether there were or not: he might be prejudiced. In New Zealand the work got on satisfactorily because no doubt the experience they now had there before the courts had produced a body of men who were just as much trained advocates as were advocates who appeared in a court of law. They were just as fond of taking points and raising objections as were lawyers.

MR. S. C. PIGOTT: The amendment was one he must oppose. We heard from the member for Kalgoorlie (Mr. Johnson)

that he and the people he represented, the workers, did not want any advocates, lawyers, or solicitors to enter these courts. Why? He gave his reason very openly, for he said, in effect: "If a case comes before an arbitration court, we amongst our unions have trained men who are equal to, if not better than, any lawyer that is to be got by an employer; therefore if we stop lawyers from coming into court, we have the whip-hand, for we can bring our own privately-trained lawyers, men who thoroughly understand the case, and our opponents will not be able to have any counsel to assist them." We should go farther into this matter, and he would be pleased to move an amendment.

MR. GARDINER: The object he had was not to make this measure unworkable in any way. He wanted it to be fair, and he did not believe in either side being represented by counsel or an advocate. He only wanted parties to the dispute pure and simple to bring their matters for decision before the court. When a matter came before a Judge of the Supreme Court, that was a different thing altogether.

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

Ayes	4
Noes	23
Majority against ...	19

AYES.	NOES.
Mr. Daglish	Mr. Butcher
Mr. Doherty	Mr. Gregory
Mr. Taylor	Mr. Hastie
Mr. Gardiner (*Teller*).	Mr. Higham
	Mr. Holman
	Mr. Holmes
	Mr. Hopkins
	Mr. Illingworth
	Mr. Jacoby
	Mr. James
	Mr. Johnson
	Mr. Leake
	Mr. McWilliams
	Mr. O'Connor
	Mr. Phillips
	Mr. Pigott
	Mr. Purkiss
	Mr. Rason
	Mr. Reid
	Mr. Reside
	Mr. Sayer
	Mr. Smith
	Mr. Wallace (*Teller*).

Amendment thus negatived.

MR. PIGOTT: The amendment having been disposed of, he desired to move that Sub-clause 7 be struck out.

THE CHAIRMAN: The Committee having just decided to retain certain words of the sub-clause, the hon. member could not now move its total excision.

Clause put and passed.

Clause 52—Powers and duties of board for hearing dispute:

MR. GARDINER: With due diffidence as a layman, he ventured to suggest a mode of procedure for the board. Judge Backhouse (N.S.W.), in his report on the operation of boards of conciliation in New Zealand, had stated they were frequently used to open up a case and show either its weakness or its strength, so that after the decision of the board had been given an appeal might be made to the court. The ideal before the Committee was to constitute boards of conciliation in such a fashion that they would settle industrial disputes. Consequently it was not desirable that the procedure of these boards should be the ordinary procedure of courts trying an issue as between plaintiff and defendant. The object of the board should be to get at the truth of the matter before it and deliver a just decision. With that end in view, he would suggest that the witnesses on each side should be examined alternately. Farther, it was desirable that the evidence should be taken on oath. He moved therefore that the following words be added to Sub-clause 1: "The witnesses of both parties to the dispute shall be examined alternately, and all evidence taken before the board shall be taken on oath, be duly signed by the witnesses, and attested." It was very necessary to give boards of conciliation a real power to settle disputes. An amendment he intended to move later would show why this was necessary. If either party to the dispute appealed from the award of the board, then let the evidence taken by the board, and that evidence alone, form the basis on which the court should decide the appeal; unless, of course, the court thought fit to call additional evidence. Our boards of conciliation should not, like those of New Zealand, be made a mere trying ground.

MR. HASTIE: It would not be wise to pass the amendment; in the first place because it would rarely happen that the two sides had an equal or approximately equal number of witnesses, and in the second place because there was nothing in the existing Act or in the present Bill to

prevent the court from basing its decision on the evidence taken by the board of conciliation. The court, however, should not be restricted to that evidence, because after the hearing by the board either side might discover new and important evidence.

MR. GARDINER: That was exactly what the amendment was intended to prevent.

MR. HASTIE: We could not expect to devise a perfect system of conciliation and arbitration straight away. Let the Bill in its present shape be given a trial for a year or two. The first few years of New Zealand's experience of conciliation boards—possibly before some people became too clever—had been that they were highly beneficial. If our country were not so large as to render it absolutely impossible to try every dispute by one tribunal, the amendment would be deserving of serious consideration. The Committee should adhere as closely as practicable to the New Zealand procedure.

MR. TAYLOR: The arguments of the member for Kaiapoi (Mr. Hastie) were not sound. The board of conciliation should certainly be given the benefit of hearing all evidence bearing on a dispute before giving its decision. If the parties were aware that they could adduce on an appeal only the evidence which they had submitted to the board, cases would be so put before the latter tribunal as to enable it to arrive at a fair decision. Both capital and labour should bring up all the evidence at their command at the first trial, so as to avoid the necessity for a second trial. He would support the amendment.

THE PREMIER: What would the member for Albany (Mr. Gardiner) do if one side had no witnesses?

MR. TAYLOR: Then that side would have no case.

THE PREMIER: One effect of the adoption of the amendment would be to hold out an inducement to parties to overload their case with a number of witnesses. This would react on the other side, inducing them in turn to overload their case.

MR. GARDINER: A case would not be helped by overloading.

THE PREMIER: The amendment did not affect any principle of the Bill, being directed to a pure matter of detail. This clause was, in fact, only a machinery clause, and therefore really not deserving of lengthy discussion. The object of constituting a board of conciliation was to bring the parties to a dispute together, whereas the adoption of the amendment would really clothe the board with all the powers of a court.

MR. GARDINER: Just so.

THE PREMIER: Where were we to stop? One moment we were constituting a board of conciliation and in the next converting it into a court of arbitration.

MR. GARDINER: Exactly; and the reason for doing so would be made apparent later.

THE PREMIER: It was easy to imagine a case where the board of conciliation might be usefully invested with the power of a court of arbitration. Nevertheless, the Committee should not waste time on matters of pure detail and machinery, but should endeavour, as far as possible, to fix the principles.

MR. GARDINER: That was exactly what he wanted to do by the amendment.

THE PREMIER: Sub-clause 2 gave the board practically all the power with which the amendment sought to invest it, in providing that all evidence might be taken on oath.

MR. GARDINER: The board should be compelled to take it on oath, since that made a vast difference.

MR. W. F. SAYER: As the board had the power to administer an oath, any testimony taken before it, whether on oath or not on oath, could be the subject of prosecution for perjury if false.

MR. DAGLISH: Was not the administration of the oath essential?

MR. SAYER: Clearly not. It was not so under the present law, and the Criminal Code, which was about to be passed, specially provided that any tribunal which had the power to administer an oath was a judicial tribunal, and that any person who in any judicial proceeding before such a tribunal knowingly gave false testimony in any material matter was guilty of the crime of perjury. It was immaterial whether the testimony was given on oath or under any other sanction authorised by law.

MR. DAGLISH: But would this be under any other sanction?

MR. SAYER: Certainly. The evidence would be given on affirmation.

MR. GARDINER: Possibly the suggestion that witnesses should be examined alternately might appear to the Premier a mere matter of detail; but there was, nevertheless, a principle underlying the suggestion. Western Australia was a country of magnificent distances, and the reason why special boards were proposed to be appointed was that disputes might be settled by arbitrators possessing a knowledge of local circumstances. It was extremely desirable that local disputes should be settled by boards appointed from residents of the district in which the disputes arose. Otherwise people from Mount Morgans, say, might be brought before the court in Perth on very slight pretexts, and thus the Conciliation and Arbitration Act would become a disastrously costly piece of machinery. If the parties appearing before a board of conciliation knew that the evidence they adduced before the board, and that evidence alone, would be submitted to the court in case of appeal, they would be careful to put a perfect case before the board, and would, moreover, hesitate to appeal from the decision of the board. The conciliation boards ought not to be the huge farce they apparently were in New Zealand. They should be useful bodies in this country where we could only have one Judge of the Supreme Court and one Arbitration Court. He wished to invest the court with all the powers of a court of appeal. Parties would hesitate to appeal knowing that they would have to go on evidence taken before the board.

THE PREMIER: The arguments of the hon. member would bear more correctly on his subsequent amendment of which he had given notice: not on the present one. Supposing evidence was taken on oath, and it went before the board: that would confine the parties in the appeal to a point of law. Once evidence was reduced to writing, all witnesses were practically equal. Anyone who had studied the administration of justice knew that when anybody had to weigh evidence he had to study the personality of the witnesses and their demeanour; but on the basis of the argument of the member for Albany, he reduced witnesses to the same level: the untruthful witness was as good as the truthful witness.

MR. GARDINER: Seeing that all evidence was taken on oath, any untruthful witness rendered himself liable to prosecution for perjury.

THE PREMIER: If the member's idea was that the appeal to the court should be on a point of law, then it was easy to see that the board would have to find certain facts from the evidence before them and to state a case for the opinion of the Arbitration Court. There was no objection to the proposal if that was what the hon. member aimed at.

MR. GARDINER: In a country of such vast distances as this he wished to make the board of some use and to cheapen the cost, also to get to finality in a dispute.

MR. TEESDALE SMITH: If only an arbitration court was appointed there would be a lesser number of disputes arising, and much more satisfaction given to the State generally. To have the members of a board acting as judges would not be right.

MR. DAGLISH: The member for Albany was evidently aiming at what was an advantageous principle, to enlarge the usefulness of the board, therefore one was prepared to support the amendment. It would subsequently be advisable to excise that portion of the clause which said that the witnesses of both parties should be examined alternately. It should be imperative that evidence should be taken on oath or affirmation. The member for Claremont was, he thought, mistaken when he said that any evidence given before a board or court of law, or any body that had power to administer an oath, whether the evidence was taken on oath or not, made the giver of the false testimony liable to prosecution for perjury.

MR. SAYER: Any person who in any judicial proceedings, or for the purpose of instituting a judicial proceeding, gave false evidence touching any matter material to the proceedings, was guilty of perjury; and any court with any power to administer an oath was a judicial proceeding. The forms and ceremonies of administering an oath were immaterial, if the person assented to the form. Therefore if a person was asked, in a judicial

proceeding, to tell the truth, that was sufficient.

MR. DAGLISH: It was a pity our courts did not take evidence without going through the form of swearing witnesses, then. The Premier had objected to the amendment of the member for Albany on the ground that all witnesses were not equal, as it did not give the members of the court any chance of judging of the demeanour or reliability of the witnesses. When a court found it necessary to see the witnesses, there being any doubt, the court had the power to have a rehearing of the witnesses. He wished to make the Bill less costly and give the board of conciliation the widest powers to make them effective and get disputes settled as quickly as possible. He advocated that the amendment be adopted.

MR. JAMES: The object which the member for Albany had in view could be met by providing that on an appeal to the court from the conciliation board, no additional evidence could be adduced, except on special leave of the court. That was what was done now. It would prevent the parties to a dispute using the inquiry as a preliminary canter to a trial before the Arbitration Court. If we insisted on the whole of the evidence being taken in writing, quite apart from the practical difficulty, any court would be at a disadvantage. The taking of notes must in any case increase the length of proceedings threefold.

MR. GARDINER: The argument of the member for East Perth did relieve the position of some of its force. The great object was to avoid expense. Supposing a board held an inquiry at Mt. Margaret, and one side was satisfied, but the other side decided to appeal, all the witnesses called before the board would have to come to Perth to give their evidence over again. There might be difficulties in taking evidence, as the demeanour of the witnesses could not be ascertained. But this was a small difficulty compared with that of the huge distances witnesses might have to travel. If by any other means the board could be made a tribunal from which parties would hesitate to appeal, he would be satisfied. He had never been in favour of the boards; but if there were boards, give them greater powers, so as to avoid the huge expense entailed by entire rehearings of the cases on appeal to the court. The ultimate result of taking the evidence in longhand would be to promote industrial peace.

MR. PURKISS: The hon. member's subclause would not achieve the object sought.

MR. GARDINER: The provision that the witnesses of both parties should be examined alternately, he would be willing to withdraw.

MR. JAMES: Clause 75, Sub-clause 6, provided that, on appeal, the court or its president might take the evidence of absent witnesses at the places where such witnesses resided. This gave the Arbitration Court greater powers than were vested in the Supreme Court.

MR. HASTIE: One of the objects of the amendment was to make conciliation boards practically courts of arbitration. For this there was much to be said; but by the amendment, the expense of the boards would probably be at least doubled. Each board would require a shorthand writer.

MR GARDINER: The Supreme Court had not a shorthand writer.

MR. HASTIE: Yes; and so must the arbitration boards. The hon. member seemed to miss another provision of the Bill. The existing Act declared that the board's decision might or might not be adopted by each party. If not adopted in a given time, the decision was annulled, and the cases could be re-opened afresh before the court. But according to this Bill, the verdict of the board became law unless one of the parties appealed against it within a given time; and on such appeal the appellant had to open up the case before the court, and show why the verdict of the board should not stand. The amendment proposed a new provision, which, in a tentative Bill of this kind, it would be unwise to adopt.

MR. GARDINER: As the clause evidently satisfied those most interested, he would content himself with pointing out its weakness, and would withdraw the amendment.

Amendment by leave withdrawn.

MR. TAYLOR moved that in Subclause 2, all the words after "court," in line 4, be struck out.

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

Ayes	9
Noes	18
Majority against ...	9

AYES.	NOES.
Mr. Daglish	Mr. Butcher
Mr. Hastie	Mr. Gardiner
Mr. Holman	Mr. Gregory
Mr. Hopkins	Mr. Holmes
Mr. Johnson	Mr. Illingworth
Mr. O'Connor	Mr. Jacoby
Mr. Reid	Mr. James
Mr. Reside	Mr. Leake
Mr. Taylor (*Teller*).	Mr. McWilliams
	Mr. Nanson
	Mr. Phillips
	Mr. Pigott
	Mr. Purkiss
	Mr. Rason
	Mr. Sayer
	Mr. Smith
	Mr. Wallace
	Mr. Quinlan (*Teller*).

Amendment thus negatived.

MR. HASTIE: Sub-clause 9 provided that the board should state the period for which a settlement should remain in force, such period to be not less than six months nor more than three years; also a date from which it should commence, being not sooner than one month nor later than three months after the date of the recommendation. In each of these cases the fixing of the minimum time should be left to the board, which might consider it advisable to declare that the award should take effect almost immediately.

MR. JAMES: It was provided in this clause that the board's recommendation should be in force for not less than six months. He did not think any good objection could really be raised on that point; but he certainly thought the arbitrators would be shirking their responsibilities if they simply brought forward something temporary and said, "This will do for three months," or something like that. The clause also said "and also the date from which it should commence, being not sooner than one month." The difficulty apparently was this. People said, "We might have contracts in force, and if you require that this recommendation of yours shall come into force at once, you throw upon us an unfair burden, because you make us bear increased expenditure in connection with those matters in which we have already incurred liabilities by giving a price." It was thought that in no case was it unfair to insist that where a recommendation was made either involving on the part of the employers an increased expenditure, or on the part of the men a decreased amount of remuneration, the recommendation should come into existence one month after the date of recommendation.

MR. HASTIE: Agreeing with what had been stated by the member for East Perth, yet one could imagine many circumstances under which it would be advisable to bring in a recommendation to take effect almost at once, and the board would understand all these subjects. Surely we might expect a board to take all the circumstances into consideration and not to act unfairly.

Clause put and passed.

Clauses 53 to 58, inclusive—agreed to.

Clause 59—Constitution and appointment of court:

THE PREMIER: Was it intended to limit the choice of president to a Judge of the Supreme Court? We had already experienced some little difficulty owing to the fact that the qualification was a Judge. Would it not be as well to say a Judge of the Supreme Court or a barrister of 10 or 12 years' standing?

MR. JAMES: Neither side wanted that. They wanted a Judge. He had discussed it with both sides.

THE PREMIER: All right. That word "unavoidable" in the second paragraph was hardly necessary.

MR. JAMES: It had better come out. He moved to strike out the word.

Amendment put and passed.

MR. JAMES moved that the following be added to Sub-clause 2:—"And in case of the absence of a member of the court other than the president, by reason of illness or other cause, the Governor may appoint such other person as he may think fit to fill his place during such absence and until the termination of any pending inquiry."

Put and passed, and the clause as amended agreed to.

Clauses 60 to 63, inclusive—agreed to.

Clause 64 — Power of removal by Governor:

MR. JAMES moved that the word "three" be substituted for "four" in paragraph *c*.

Put and passed, and the clause as amended agreed to.

Clauses 65 to 68, inclusive—agreed to.

Clause 69—Disputes may be referred direct to court:

MR. HASTIE: In most instances there would be two sides, and if a majority of the parties—that was a majority of the people concerned—wished to go direct to the court, they could do so. We should consider whether that was advisable or not.

MR. JAMES: If we gave the right to refer the dispute to the court before it was referred to the board at the instance of the parties on either side, that power ought to rest with the majority of the parties on the one side. It ought not to be in the power of say one employer or one union of workers to say, "We shall not have these matters referred to the court." It ought to rest with the majority, and not the minority, to say whether it should or should not go to the court. We had to provide some method as to who should govern when we found on one side a certain number who wanted to appeal, and a certain number who did not, and the only method to adopt was that of government by the majority.

Clause put and passed.

Clause 70—President to be notified when dispute referred:

MR. HASTIE: This clause said, "Forthwith after a dispute has been referred to the court, the clerk of the court shall notify the fact to the president." But nowhere was it intimated that the court should hold its sitting within a specified time. We ought to specify a time. He believed four or five months ago steps were taken in regard to a case to be heard, and the case had not yet been heard. Probably there might be so much business for the Supreme Court to look after that the Supreme Court might not always find it fairly convenient to hear a case. We ought to state that a case should be brought before the court within a certain time.

MR. JAMES: The difficulty was occasioned by the absence of one of the parties concerned. If any provision was desired in the nature of that suggested by the member for Kanowna (Mr. Hastie), it ought to be inserted in Clause 72. It was a most unusual thing to provide that a case must be heard within a certain time after it became ripe for hearing. Such a provision would be either directory, and then the case, if not heard within the period provided, would be heard at some other time, or the provision would be imperative, and then the case, if not heard within the stipulated period, would not be heard at all. There were many possible causes of delay: the illness of a Judge, for example. The clause should be left as it stood. Steps could be taken to remove difficulties as they arose. He did not anticipate any difficulty, once the court was constituted and things were in working order.

MR. HASTIE: We could be guided only by experience. It had been stated that the cause of all the delay in the past had been the absence of a member of the court. Such a cause of delay might occur again. At present, people could not approach the court with a feeling of confidence that their cases would be heard quickly: hence the necessity for some provision as to calling the court together within a specified time.

THE PREMIER: What period would the hon. member suggest?

MR. HASTIE: In order to give effect to his personal inclinations he would have to make the period a week; but, desiring to be liberal, he would make it a month. Even the latter period might appear a short one to the legal mind, but it would certainly not appear too little to the lay mind. The circumstances of industrial disputes varied so much and so rapidly that the prospect of a prompt decision was necessary to induce people to appeal to the Arbitration Court.

THE PREMIER: If five or six lengthy cases happened to be before the court at the same time, it was almost certain that one or more of them would have to be postponed beyond the period expressed in the measure.

MR. TAYLOR: Not necessarily. The court might open a case and then adjourn it.

THE PREMIER: What would be the effect of that? Hon. members insisted on a Supreme Court Judge forming one member of the court; and a Judge of the Supreme Court had to perform other duties besides those proposed to be imposed on him by this measure. If a Judge were specially appointed for the work of the Arbitration Court, the objection would not, of course, hold to the same degree. Speaking, however, from experience, as the member for Kanowna

(Mr. Hastie) affected to do, he would observe that we had had a congested list in the Supreme Court for months past.

MR. HOPKINS: For the last five years.

THE PREMIER: Some cases had hung over for months and months.

MR. TAYLOR: Certain cases now before the Supreme Court had been hung up for 11 months.

THE PREMIER: It appeared that hon. members would, in preference to letting a case hang over for six or seven months, allow it to lapse and thus prevent justice from being done at all. It would be perfectly safe to leave the president of the court to fix the time for hearing, since that gentleman would be as desirous as anybody else to get the business off his hands. The Committee should not, in their desire to do justice, tie the hands of the Judge, since the effect of their doing so would be to defeat their own ends. There was always a way of forcing cases of urgency on. Any court would fix a special date for a case of urgency or importance.

MR. TAYLOR: It had not proved so with the case of the smelters at Fremantle.

THE PREMIER: That case was suspended owing to the defects of the existing Act, which were being cured by the present Bill. It would be a great mistake to limit the period within which a case must be heard to a week or a month, because most assuredly with such a provision a number of cases would lapse.

MR. HASTIE: The desire was not necessarily that cases should be tried within one month; but it was desired that the court should meet within a month.

THE PREMIER: What was the use of that?

MR. HASTIE: It should meet as an Arbitration Court. The Premier objected that the Supreme Court Judges were very busy; but it must be remembered that the Fourth Judge Bill was passed by this House on the understanding that a great deal of the time of the fourth Judge would be devoted to the Arbitration Court.

THE PREMIER: The Fourth Judge Bill had to pass another place, some members of which had said that they would not pass the measure.

MR. HASTIE: Most hon. members believed that the Fourth Judge Bill would become law. No serious doubt had yet been expressed as to its being passed by another place.

THE PREMIER: Expressions of serious doubt had come to his notice.

MR. HASTIE: If the present condition of congestion in the business of the Supreme Court continued to obtain, the House would no doubt seriously consider the propriety of making a special appointment for the purposes of the present Bill.

MR. TAYLOR: The contention of the member for Kanowna (Mr. Hastie) was perfectly sound. The court ought to sit as soon as possible after a case had been referred to it. If the parties were not prepared with the whole of their evidence, the case could be adjourned. The statement that the number of our Judges was insufficient to allow of one presiding over the Arbitration Court afforded only another reason for passing the Fourth Judge Bill.

Clause put and passed.

Clauses 71 to 83, inclusive—agreed to.

Clause 84—Terms of award:

On motions by MR. JAMES, amendments made in Sub-clause (*b*), line 1, the word "and" struck out, and "to which the award applies" inserted in lieu, the remaining portion of sub-clause to stand as (*c*); also Sub-clause (*z*) transposed as (8).

MR. R. HASTIE: Sub-clause 3 provided that in no case should the court have power to fix any age for the commencement or termination of apprenticeship. This power did not exist in the New Zealand or New South Wales Acts. Seeing we were limiting the powers of the board, it would not be wise to limit the powers of the court. If the court had no power to limit apprenticeships, in many cases the provisions of the Bill would be defeated by employers calling employees apprentices when they were not so. He suggested that the words "in no case shall the court have power to fix any age for the commencement or termination of apprenticeship" be struck out.

MR. JAMES: This provision existed in the New Zealand Act. It was one of the most controversial points in connection with the Bill. There was very strong

objection to the proposition by which the court should have power as to apprenticeship. There was no reason why the court should not have power as to the time when a boy began or terminated his apprenticeship. Very often men who were not *bona fide* apprentices were alleged to be such, and did work which ought to be done by those who were paid the wages of a properly qualified man. These men were nominally apprentices, whereas they were rough-and-ready hands. If the Committee struck out the words, they would give the court power which they ought not to possess until we had a much wider experience of the Bill.

MR. HASTIE: As there did not seem to be any chance of carrying the amendment he would not press it.

MR. JAMES moved that the following be added, to stand as Sub-clauses 5, 6, and 7:—

(5.) The Court may, in any award made by it, limit the operation of such award to any municipality or area within or part of any industrial district.

(6.) The Court shall in such case have power, on the application of any employer, industrial union, or industrial association in any industrial district within which the award shall have effect, to extend the provisions of such award (if such award shall have been limited in its operation as aforesaid) to any person, employer, industrial union, or industrial association within such industrial district.

(7.) The limitation or extension shall be made upon such notice to and application of such parties as the Court may in its discretion direct.

Put and passed, and the clause as amended agreed to.

Clauses 85 to 94, inclusive—agreed to.

Clause 95—disqualification of members of the board or court:

MR. RESIDE: Sub-clause 2 provided that any person who had served a term of imprisonment for six months or upwards should be disqualified. He moved that the sub-clauses be struck out.

MR. HASTIE: According to the present Act, disqualification only applied to those who had been convicted of treason or felony. No reason had been given why the change had been made. There might be and probably were men in West Australia who, in some portion of His Majesty's dominions, had suffered imprisonment for six months, but yet were desirable persons to be members of a board or court.

MR. JAMES: The term of six months' imprisonment was perhaps too short, but the disqualification should not be limited to those who had been found guilty of treason or felony. There were many misdemeanours of a serious character, and those convicted of them ought to be disqualified. Although not agreeing to the striking out the sub-clauses, he would be prepared to increase the term of imprisonment from six months to two years.

MR. HASTIE asked leave to withdraw his amendment.

Amendment by leave withdrawn.

MR. JAMES moved that the words "six months" be struck out, and "two years" inserted in lieu.

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

Clauses 96 and 97—agreed to.

Clause 98—Special provisions in case of an industrial dispute:

MR. JAMES moved that the clause be struck out. He would subsequently add to the Bill a new clause for the more effective prohibition of strikes, lockouts, and the suspension or discontinuance of work while a dispute was pending.

Amendment put and passed, and the clause struck out.

Clauses 99 to 106, inclusive—agreed to.

Clause 107—Provision as to Government employees:

MR. DAGLISH moved that after "person," in line 3, the words, "or is a member of any association or society of Government servants" be inserted. The clause would then embrace any Government employees who were members of a trade union, consisting of either State or private workers, or of both.

MR. JAMES: It was not the fact of a common employer which gave the right to form a union, but the fact that the members were following the same industry. In the Public Works Department, nearly every workman followed a trade having a recognised outside union.

MR. DAGLISH: No. What of the labourers?

MR. JAMES: If there were not a union of the labourers outside the civil service, what need for one inside? Why should those employed by Government be given special privileges? A body of

artisans employed by the State had a right to join a union of their trade, and then the Government were bound by the decisions of the Arbitration Court, as were private employers.

MR. HASTIE: No one objected to that. It was fair that a man working for the Government might join a union of his particular trade; but many Government workmen had not the opportunity of so doing; therefore the amendment was unobjectionable. As the Committee were willing to register the Railway Employees' Association, why object to the inclusion of the Public Works Department under the clause? Should not those workmen have a right to form a union similar to that of the railway servants? Other departments also might be similarly recognised. He deprecated the disposition to limit the right of certain people to take advantage of the Act.

MR. JAMES: By the amendment, the Public Works artisans and labourers might join the Railway Association.

MR. HASTIE: The object was not to encourage the amalgamation of a large number of different trades, but merely of such bodies as the men who constructed public works or those who, being employed in the Government Printing Office, did not belong to the Typographical Association. The amendment would to some extent increase the number of unions without making existing unions more powerful.

MR. JAMES: We should desire that those employed in the Government service should be paid at the same rate as the best employer outside paid; we should insist upon the same remuneration being given, and no more. The one desire of those in the public service was to get the best wages outside and retain all the departmental privileges. That was why there was this constant desire to form unions inside the public service, because when they put forward a claim for increased wages, they did not say a word about the privileges.

MR. TAYLOR: Those in the public service should be on the same footing as those outside.

MR. JAMES: We ought to put them on the same footing; but we should never do so whilst we had unions formed inside the public service. This attempt to introduce departmental unions was for the express purpose of getting the highest possible pay, with the greatest departmental privileges. It should be checked.

MR. DAGLISH: Members began to cry out as soon as public servants were mentioned at all. As far as he knew, there was no union in the public service, except those in the railway department, on weekly or fortnightly pay.

MEMBER: Yes.

MR. JAMES: Carpenters and plumbers, for instance.

MR. DAGLISH: Those were not Government employees: they included persons in the Government service and some who were outside. His proposal was made entirely on his own authority: no one asked him to make it, and no one suggested it. But, as far as he could judge, a time might come, and soon, when a union of Government servants would be formed. It would be an advantage for these unions to be formed, and, as far as he was able to judge, the boasted privileges of public servants existed very largely in imagination.

MR. JACOBY: Not so.

MR. DAGLISH said his experience in regard to public servants was wider in Victoria than here. He had not had any experience here, save in a narrow circle; but in Victoria there had always been men working in the Government service who were paid far less than the minimum wages ruling outside. He did not know whether the same was the case or not in Western Australia, but he had reason to believe that in many instances men were paid lower wages in the Government service than outside. If such was not the case, there was no danger of unions being formed by people in the service to put them on the same level as the outside workers. His object was, above all things, to avoid strikes of Government employees. Surely that was a good object, and if the principle of legislating in this direction at all was good, we could not carry such legislation too far. He could not understand the fear which members seemed to feel as soon as anyone thought of applying to the largest employer in the State—the State itself—principles which were recognised as good for the private employer. Why should we not apply the same

principles to the State employer as to the private employer? What was right and just to the private employer and employee was likewise right and just for the Government as an employer, and the Government employee.

MR. JAMES: That was exactly what he and those who thought with him asserted.

MR. J. L. NANSON: If the argument of the member for East Perth (Mr. James) meant anything, it meant that he had no confidence in the Court of Arbitration this Bill set up. He (Mr. Nanson) could not see it mattered in the slightest degree how many or what unions were formed, so long as there was a competent court to decide what was a fair wage to be paid. The hon. member told us that if the Government employees formed a union it would result in their getting higher wages than they otherwise would. Why should it, if we had a court in which we had confidence? If this Bill formed a court that could not be trusted to decide what were fair wages, we had better have nothing to do with the measure at all; but if the member for East Perth had any faith in his measure, he was acting inconsistently when he suggested that one set of men were to be allowed to form unions and others not.

MR. JAMES: That was not suggested by him.

MR. NANSON: If this measure gave us a competent court, it could not matter in the slightest degree who was allowed to form a union.

MR. TAYLOR: Oppressed labour was the true cause of union. He had too much experience not to know that if workmen were getting good wages, people could not organise them into a union. No matter where men worked, if they wanted a union to protect themselves they should be allowed to form one; and he thought there were numbers in the Government service who were poorly paid. In his opinion, it was necessary to bring the Government servants under the Arbitration Bill and place them on the same footing as any other employees. The object was apparently to place the Government, or the Minister for Railways, in the same light as any other employer. Government servants should be paid the same rate of wages as other employees, and should not be allowed any other privileges. He did not believe in these departmental privileges, and the granting of these privileges had not a tendency to get for the Government the best class of employees. Until the Government placed their employees on the same footing as those of any other employer were on, they would always have the same trouble with their employees. He would like to see every worker in the State, whether in the Government service or elsewhere, under the provisions of this Bill.

MR. HASTIE: Several months ago the question of how we should settle difficulties with employees of the State came up in this House, and then we practically all agreed that there were only two modes by which servants of the State could get grievances satisfied, one being political pressure, and the other arbitration. It was the feeling of every one of us then that at any rate a certain section of Government employees ought to always have an opportunity of appealing to a board. Why not now extend the same principle? The same thing might apply to the public works as applied lately to the railways, and it behoved us, now we could, to give all the employees of the State an opportunity of joining a union, and to bring a case before the Arbitration Court.

MR. JAMES: Half-a-dozen times it had been stated by him that by this clause we placed the Government employees exactly in the same position as employees outside the service occupied. It was not competent for any body of men to form themselves into a union because they happened to be the employees of "John Smith and Co." or "The Foundry Company Limited." Common employment did not give a right to form a union. You could not make the mere fact of employment by one employer a qualification for membership; so it was obvious that when one sought, as did the member for Subiaco (Mr. Daglish), to say that any person in the Government employ should, because he was in that employ, have a qualification for belonging to a certain union, he was seeking to give him a right which those outside the service did not possess.

THE PREMIER: It was giving them two chances to one.

MR. JAMES: Not only that, but giving them a right to form a union

because they were employed by a certain person, say the Minister for Works, whereas persons outside the service could not form a union based on employment by a certain individual. His union was based upon a qualification; it might be that of a carpenter, wheelwright, blacksmith, or things like that. Clause 107 put men in the Government service on exactly the same level as those outside the service, and no more than that should be done. It had been argued that, if we had a court, we could trust the court and need not fear. That argument was adduced every time this Bill was brought up here, and also in New South Wales and New Zealand. People who had a wider experience than had those in country districts of Western Australia thought it desirable that there should be certain provisions, and he (Mr. James) followed in their steps; only, so far as Clause 107 was concerned, he was going farther. Whilst we had every confidence in the court, it was our duty to see we placed all persons who came within its purview on an equal footing.

MR. NANSON: The member for East Perth (Mr. James) made absolutely no attempt to answer the argument which had been adduced. He was simply doing with regard to the public servants as a whole what he attempted to do at an earlier stage in this Bill with regard to the railway service. Now he had been compelled to abandon the impossible attitude he assumed with regard to the railway associations; and in the next clause he brought in an amendment which allowed the railway associations, or any other association, to be registered as a union. But what he gave to the railway servants he denied to the workers in the civil service as a whole; and unless the Committee saw the inconsistency of that attitude, the hon. member would carry his point. If, however, it was fair and advisable to give certain privileges to the men in the railway service, it was equally fair and advisable to give those privileges to workers throughout the civil service as a whole. He still contended that, granted a court in which one had confidence, it could not matter who came before the court. If a union approached the court with a ridiculous claim, that union would meet with a rebuff. The object should be not to frame provisions limiting the right of forming unions or prescribing who should and who should not form a union, but to form a competent court. In ordinary matters of jurisprudence there was no provision that one class of suitors might approach the court and that another class might not. Why, then, these special exceptions in the present Bill? It would be well if not only employees of any Government department, but also employees of large private firms, had the privilege of forming distinct unions. Indeed, the absence of a provision to that effect was a blot on the Bill.

MR. TEESDALE SMITH: The suggestion of the hon. member (Mr. Nanson) was not a wise one. If in a timber business, for example, every half-dozen men of a different trade were allowed to form a separate union, the timber companies might be brought before the arbitration court twenty times in three months. The privilege of forming numberless small unions should be granted neither to the workers of a private employer nor to the employees of the Government. He agreed with the member for East Perth (Mr. James) that, provided workers in Government employment were enable to unite with their co-workers, it was all they could expect or indeed did expect.

MR. HASTIE: The member for East Perth had stated that, provided the workers of one class in the Government service could unite with similar workers outside, they were enabled to join a union; but let the hon. member consider, for example, the case of the large number of workers on the Coolgardie pipe track. Could those men form themselves into a union and approach the Arbitration Court? Or, supposing those employees joined with a number of workers outside Government employ, could they bring a case before the court?

MR. TAYLOR: Yes; the society could do so.

MR. JAMES: It would be quite competent for a body of men employed by the Public Works Department in any special trade or employment of their own, which had no counterpart outside the Government service, to form a particular union; but an industrial union must be composed of workers of the same class. It did not follow that because a man was a Government servant to-day, he could not join a

union; but, on the other hand, a union for which the qualification was employment in a certain Government department could not be formed. If, for instance, the Coolgardie pipe track were being laid by a private firm, the employees of that firm could not form a union based on the mere fact of their being employees of that particular private employer.

MR. GARDINER: The member for Subiaco (Mr. Daglish) and his supporters were not consistent. They, as representatives of unionism, would object to a union being formed of employees of, say, John Jones. If John Jones employed carpenters, wheelwrights, and engineers, those hon. members would insist that the various classes of employees should join their particular union.

MR. TAYLOR: Certainly not.

MR. GARDINER: Undoubtedly those members would object to the registration of a union of "employees of John Jones."

MR. TAYLOR: That remark showed how much the hon. member knew about unionism.

MR. GARDINER: The annual eight-hours demonstration afforded the best argument which could be used in support of this contention. In the eight-hours procession one did not see a body of "employees of John Jones," but one saw bodies of carpenters, wheelwrights, bakers, and so forth. The member for East Perth (Mr. James) was perfectly consistent in desiring that Government employees should be placed on exactly the same footing as other employees. If the Government service contained men who could not for some reason join outside unions, then those men would be perfectly at liberty to form a union inside the Government service, so long as each man joined a union representing his own particular branch of labour.

MR. TAYLOR: The hon. member (Mr. Gardiner) appeared to have confined his observation of trade unionism to the coastal districts. On the fields were to be found trade unions protecting every class of labour, such as carpenters, wheelwrights, teamsters, miners, battery hands, and even domestic servants.

MR. JOHNSON rose to a point of order. Were we now discussing the position of Government employees under this Bill? And if so, was the hon. member in order in discussing matters foreign to the issue?

THE CHAIRMAN: The member for Mount Margaret was quite in order.

MR. TAYLOR: The remarks made by him were in the nature of an explanation addressed to the member for Albany (Mr. Gardiner). If that hon. member, instead of confining his observation to eight-hours processions in Perth, had gone to the goldfields to see a trade-union gala, he would have discovered the futility of his argument. The Australian Workers' Association protected workers of every class. Such ideas as those advanced by the hon. member were long exploded. The object of every trade unionist of standing now-a-days was the federation of labour. In Queensland, indeed, a Commonwealth federation of labour was contemplated.

THE COLONIAL SECRETARY: Hon. members appeared to be labouring under a slight misapprehension. When a somewhat similar Bill was before the House last session, it had been his endeavour to get the privileges of the measure extended to all members of the public service. That position he still adhered to. The advocacy of hon. members supporting the amendment appeared to be directed to the point that there should not be one union of carpenters, say, inside the Government service, and another union of carpenters outside the Government service. He did not understand that to be the contention of the workers. Those in the public service wished the same privileges from the unions as those who were not in the public service, and the Bill gave those privileges. The only objection was that the public service might contain a class of persons for whom there was no union outside. There was nothing to prevent these persons constituting themselves a union. If there was a union in a town, that union should embrace all the persons belonging to the same occupation whether inside or outside the public service, and that was what the Bill provided. If the amendment were carried, that for which he had been fighting for years would be defeated. Supposing there was an organisation of carpenters, and the outside rate of pay was 10s., those belonging to the organisation inside the service would also want 10s. a day.

Then there would be difficulties, because there were 14 holidays for which the Government paid their servants, but private employers would not pay for these 14 days; therefore there would be two elements clashing. All he understood was that the workers in the public service wanted the same privileges and rates of pay, and the same means of settling disputes, as those outside. The Bill as drawn gave these privileges.

MR. QUINLAN supported the amendment of the member for Subiaco, who had stated that the day labourers in the public service were paid less than those outside; but he knew that the day labourers in the public service were paid more than those outside, therefore he supported the amendment. The member for East Perth intended to move an amendment to Clause 8, making the Bill apply to railway servants only. That was another reason why he supported the amendment. The eight hours system had been adopted for the railway service wherever it could be made applicable, therefore logically the Committee were bound to carry the amendment.

MR. W. D. JOHNSON hoped the member for Subiaco would withdraw his amendment. He supported the clause as it stood on the explanation given by the member for East Perth, who stated that an employee working for the Government could join an outside union, but if there was no union outside, the Government employees could form a union of their own. As a carpenter he could not work for the Government as a union man, because the Government did not pay union wages; and right throughout the service he maintained the Government did not pay the same wages as those paid outside. The carpenters in the employ of the Government service were looked down upon because they belonged to the railway association, and were not recognised by the unionists outside. The employees of the Government did not care about the privileges: they wished to be paid the same rate of wages as ruled outside.

MR. NANSON: The member for East Perth proposed to allow any association of railway servants to register under the Bill.

MR. JAMES: That amendment would not be moved.

MR. NANSON: If it was fair to allow the Government railway servants to register as an association, why not allow those who were not railway servants to register?

On motion by MR. JAMES, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 19 minutes past 11 o'clock, until the next day.

Legislative Council,

Tuesday, 21st January, 1902.

Papers presented—Motion: Tramways or Railways, not by private enterprise; division, negatived—Public Notaries Bill, first reading—Motion: Fodder Plants and Grasses, Experimental—Return: Agricultural and Pastoral Pursuits, Statistical—Contractors and Workmen's Lien Bill, Select Committee's Report—Administration (probate) Amendment Bill, third reading—Dog Act Amendment Bill, third reading moved—Bread Bill, third reading moved—Excess Bill (1900-1), third reading—Carnarvon-Babbage Island Tramway Bill, third reading—Friendly Societies Act Amendment Bill, in Committee, resumed, reported—Trade Unions Bill, in Committee, resumed, progress—Fourth Judge Appointment Bill, second reading moved—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By THE MINISTER FOR LANDS: 1, Emoluments return in connection with the Estimates, 1901-2; 2, Report of the Registrar of Patents, Designs, and Trade Marks for the year 1900; 3, Report of the Superintendent of Government Labour Bureau for the year ending 31st December, 1901; 4, The Goldfields Acts, 1895-1900—new regulations under the; 5, Return showing gold production of the world for each of the ten years, 1891-1900; 6, Transcontinental Railway—report on preliminary examination of country between Kalgoorlie and Eucla;