

Hon. W. C. ANGWIN: So far as the Sandstone hospital was concerned during the past twelve months the Government had spent £900 on it. He was not in accord with the present system, but he recognised the difficulty which existed at the present time of making the alteration he desired.

Progress reported.

House adjourned at 10.52 p.m.

Legislative Council,

Tuesday, 26th November, 1912.

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

PAPER PRESENTED.

By the Colonial Secretary: Report of the Department of Agriculture and Industries for the year ended 30th June. 1912.

OBITUARY — MR. ZEBINA LANE, LETTER IN REPLY.

The PRESIDENT: I desire to inform hon. members that I have received the following letter from Mrs. Lane, widow of the late Mr. Zebina Lane:—

Flowerdale, *via* Broadford, 13th November, 1912. The President and members of the Legislative Council.

Dear Sirs, Please accept my very hearty thanks, also the thanks of my sons for your kind letter of sympathy on the 25th ultimo. Faithfully yours, E. Lane.

BILLS (2)—THIRD READING.

1, Pearling, *passed*.

2, District Fire Brigades Act Amendment, *passed*.

BILL—TRAFFIC.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1, 2—*agreed to*.

Clause 3—*Interpretation*:

The COLONIAL SECRETARY moved an amendment—

That the definition of "agricultural machine" be struck out and the following inserted:—"Private agricultural machine" means any machine designed for the purpose of preparing land for sowing, or of sowing or taking off crops or preparing the produce of crops for market, and intended to be used for such purpose exclusively by the owner thereof on land occupied by him."

The new definition was on the same lines, but contained less verbiage and was clearer.

Hon. C. A. PIESSE: An agricultural machine in the hands of the seller could not come under the definition, and the seller would be liable to all the pains and penalties of the law. The definition should be simplified so that the machine could be taken along the roads.

The Colonial Secretary: Clause 7 covers that point.

Hon. C. A. PIESSE: With that assurance he was satisfied.

Hon. W. PATRICK: The definition would prevent anyone from entering into contracts for chaffcutting. Much of the chaffcutting in the State was carried on by people who had large plants.

Hon. J. F. Cullen: They would take out a license.

Hon. C. A. PIESSE moved an amendment on the amendment—

That the words "and intended to be used for such purpose exclusively by the owner thereof on land occupied by him" be struck out.

The COLONIAL SECRETARY: The amendment to the amendment would have his opposition. Sufficient provision was made by exempting the person who was using the machine on his own land. We should not go so far as to exempt the person who was making a business of it.

Hon. J. F. CULLEN: The Colonial Secretary did not intend to prevent the owner of four or five farms from using his machine on each of them though one of them might be occupied by a manager and some of them might not be legally occupied at all. The wording of the new definition would prevent that. Was there any need for the inclusion of the words "on land occupied by him"? If the machine was intended to be used exclusively by the owner that was sufficient.

Hon. C. A. PIESSE: It would be agreed that there was a tendency at the present time to have too much machinery, but farmers were overcoming that to some extent by assisting each other. His desire was to make it possible for a farmer to take machinery into his neighbour's field and cut the crop without being subject to all the pains and penalties of the measure. That kind of thing should be encouraged as much as possible.

The COLONIAL SECRETARY: In a later clause it was proposed to provide for private machinery so that if machinery was lent by a settler to his neighbour it would not come under the provisions of the Bill.

Hon. W. PATRICK: It was a common thing in a new country such as this was for settlers to put a small area under crop and pay a neighbour to come in and take that crop off. Under the Bill the neighbour would require a license to do so and then if he had to take out a license he might not agree to have anything to do with the crop and it would be allowed to remain unreaped.

Hon. A. SANDERSON: Mr. Piesse did not wish to do anything more than

was absolutely essential. His objection to the amendment as it was submitted by the Colonial Secretary was reasonable and should be accepted.

Hon. C. A. PIESSE: The Minister's amendment would not meet the case. If it was desired to make those who travelled around with chaffcutters pay a license that could well be done. But in this case the need to strike out the words proposed was apparent for the reasons he had already advanced.

The COLONIAL SECRETARY: It was difficult to know what the hon. member really wanted. He seemed to want a total exemption for the settlers who were cutting on their own land, and also for those who travelled round the country to cut for others.

Hon. C. A. Piesse: No, I explained just now that we might make them pay a license.

Amendment (Hon. C. A. Piesse's) on amendment put and a division taken with the following result:—

Ayes	..	..	..	18
Noes	..	..	..	6
				—
Majority for	..	..	..	12
				—

AYES—18.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. Sir J. W. Hackett	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	(Teller.)
Hon. C. McKenzie	

NOES—6.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davis	Hon. J. Cornell
Hon. J. E. Dodd	(Teller.)
Hon. J. M. Drew	

Amendment on amendment thus passed.

Amendment (the Colonial Secretary's) as amended put and passed.

The COLONIAL SECRETARY moved a further amendment—

That after the definition of "Motor car" the following definition of "Motor carrier" be inserted:—"Motor carrier" means a motor vehicle designed to travel

on three wheels and weighing, unladen, more than two cwt."

There was no provision at all for a motor carrier in the Bill as it stood. A motor carrier was a motor with three wheels and consequently it would have to pay a fee of something like 50s., whereas under the proposed definition it would only be required to pay 7s. 6d.

Hon. J. F. Cullen: Is it invariably a three-wheeled vehicle?

The COLONIAL SECRETARY: Yes.

Hon. W. PATRICK: It was understood that the motor carrier meant a motor vehicle of three wheels suitable for carrying parcels. There were to be seen in the city motor cycles with trailers attached; did the definition include those?

The Colonial Secretary: They appear under the definition "motor cycle with attachments."

Amendment put and passed.

On motion by the COLONIAL SECRETARY, definition of "Motor cycle" amended by striking out the word "the" before "attachments" and inserting "any" in lieu.

The COLONIAL SECRETARY moved a further amendment—

That the definition of "Vehicle" be struck out, and the following inserted in lieu:—"Vehicle" includes any movable machine on wheels, any locomotive engine or machine and every description of vehicle except a railway locomotive, carriage or truck and a tram motor or car."

The object was to make the definition so extensive as to include every vehicle which should come under the operation of the Act. It might be said that perambulators and wheelbarrows would be included, but Clause 7 set out what vehicles would require a license.

Hon. A. SANDERSON: Had the Minister considered the question of including aeroplanes? We prided ourselves on being up to date, and in a short time we would probably have in the State military aeroplanes.

The Colonial Secretary: The question has not been considered.

Hon. A. SANDERSON: Soon we would have aeroplanes here and then there

would be another Bill rushed through the House to make provision for them.

The Colonial Secretary: They will be exempt, like agricultural machines.

Hon. J. CORNELL: Would one of the small engines called "dodgers," used for running about the mines, have to pay a license fee?

The Colonial Secretary: No.

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

Clause 4—agreed to.

Clause 5—Traffic Inspectors and other officers:

Hon. C. A. PIESSE moved an amendment—

That in line one the words "or two or more traffic inspectors" be struck out.

The COLONIAL SECRETARY: The clause contained a typographical error. The commencement of the clause should read—"In each district there shall be one or more traffic inspectors appointed by the local authority with the approval of the Minister." It was not contemplated that a post of traffic inspector would be created, but in the city or big towns it might be necessary to appoint traffic inspectors; such officers would not be men paid for that purpose but holding other positions under the roads board or municipality.

Hon. C. A. PIESSE: Subclause 4 said, "the power to appoint an inspector or licensing officer includes the power to appoint assistant inspectors or licensing officers." It was not necessary to have any further power than was there given.

Amendment put and a division called for.

The CHAIRMAN: The hon. Mr. O'Brien cannot pass over after the tellers are appointed.

Hon. B. C. O'BRIEN: I left my seat before you had spoken.

The CHAIRMAN: The hon. member should pay more attention to the proceedings.

Division resulted as follows:—

Ayes	..	..	..	18
Noes	..	..	..	7

Majority for .. 11

AYES.

Hon. R. G. Ardagh	Hon. B. C. O'Brien
Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. C. A. Piesse
Hon. J. Cornell	Hon. A. Sanderson
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. Sir J. W. Hackett	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. C. McKenzie
Hon. A. G. Jenkins	(Teller.)
Hon. R. D. McKenzie	

NOES.

Hon. J. D. Connolly	Hon. R. J. Lynn
Hon. J. E. Dodd	Hon. M. L. Moss
Hon. J. M. Drew	Hon. F. Davis
Hon. J. W. Kirwan	(Teller.)

Amendment thus passed.

Hon. C. A. PIESSE moved a further amendment—

That in line 2 the words "with the approval of the Minister" be struck out.

Hon. members in speaking to the second reading had referred to the desire of the Minister to control everything in connection with local authorities. No matter how bad an officer might be, it would not be competent for the local authority to dismiss him and appoint another in his place without the approval of the Minister. Men on local boards gave up their time without fee or reward for months in every year, and they knew what was wanted in their districts. Conditions varied in different districts, yet we were asked to pass such legislation applying to all places. The provisions in the Bill were an insult to these local bodies, while concentrating all this power in the Public Works Department would mean the appointment of eight or ten new officers. The amendment would be a test one on the principle of ministerial control in these small matters.

The COLONIAL SECRETARY: There was a similar provision to this in the Health Act. Traffic inspectors would have very large powers, and might have to exercise them against the members of roads boards or municipal councils. As a traffic inspector's billet must depend on the will or whim of a local authority he should have the support of the Minister. Under the Health Act the Minister had been approached in cases where local authorities desired to get rid of inspectors simply because they took action

against the wishes of the boards. It was possible that a traffic inspector would start a prosecution against a councillor for driving at a dangerous rate of speed, and become a marked man, in consequence.

Hon. C. A. Piesse: That is just the opinion the Government have of local authorities.

The COLONIAL SECRETARY: That was the experience of years past.

Hon. A. SANDERSON: Having taken an interest in the Bill and followed it closely, he would support, as far as he could, this interference on the part of the Minister. His idea was to see that the roads were made. He had served on a roads board and could not say a word against the roads boards, but local authorities were rather inclined to think that the roads belonged to the roads districts, whereas the roads belonged to the public of the State. We had the Minister handing out large sums of money to these local bodies, and the Minister should have some kind of control; his power would not be abused, he would act fairly in the matter. Not with the idea of casting any reflection on the local bodies, but because public money was being spent, there should be control in the hands of a man we could get at, and that was the Minister. The hon. member was taking this as a test question on the point of whether to allow the local bodies to have control without any supervision from the Minister. The Committee should decide that a certain amount of control should be handed over to the Government of the day.

Hon. J. F. CULLEN: This was one of the smallest items in the local authorities' business. How absurd it was to call in a Minister of the Crown over a subordinate position, leaving to the local authorities full power to appoint their chief executive officers. The Health Act was an entirely different matter, though even there there was no need to drag in the Minister for every little thing. To multiply the work and machinery of the Minister's office was preposterous. The amendment should be carried.

Hon. Sir E. H. WITTENOOM: This clause dealt a most deadly blow at municipal or local government. If we were to have local control, let us trust the local bodies, or have a thorough change and let the Government take over everything. Municipalities and local bodies had done a great deal for Western Australia. Though there may have been some faulty roads boards, there were dozens of good ones whose members devoted no end of time, energy, and ability, and spent the money to the very greatest advantage. With this clause passed, one could hardly imagine any man of any independence or with any go in him sitting on a board with such a reflection cast upon the boards. He would vote for the amendment.

Hon. J. CORNELL: If the position was that the Minister's approval had also to be gained for the dismissal of a traffic inspector, he would vote against the clause, because it meant absolutely nothing. If the clause read that the Minister could appoint on the recommendation of the local body, it would be proper. We should say in plain English what the real intention was. The clause did not do this.

Hon. R. D. McKENZIE: The Minister for Works had at the back of his head that the local bodies were dishonest and would appoint traffic inspectors with the object of not carrying out the Act. We should not make it possible for the Minister to carry into execution any threat such as indicated by the clause. The Minister was a gourmand and wanted to control everything. By-and-by he would want to control the Dog Act and dog inspectors. Not only should we carry this amendment, but later on we should strike out the power of the Minister to approve of dismissals.

Hon. B. C. O'BRIEN: Surely the Chamber was capable of rising above pettifogging arguments of this sort. Wherever regulations of a similar nature to this were to be found they were at all times subject to the approval of the Minister.

Hon. C. A. Piesse: No.

Hon. B. C. O'BRIEN: The approval of the Minister was merely a formal matter. Some hon. members were insinuating that the Minister desired to make his own appointments. We ought to rise above that line of argument. It was only proper, too, that the Minister should have the right of vetoing any cases of dismissal by the local authority.

Hon. H. P. COLEBATCH: It was a misapprehension to suppose that similar powers were conveyed under other local governing Acts. Nor was it altogether accurate to say that the same provision was in the Health Act. The provision there was that the appointment of inspectors must be subject to the approval, not of the Minister, but of the Commissioner, and that with the specific object that the Commissioner should have an opportunity of testing the technical qualifications of the person to be appointed. Apart from that there was no provision in the Health Act whereby the appointment of inspectors was subject to the approval of the Minister.

The Colonial Secretary: The Commissioner would be acting under the Minister.

Hon. H. P. COLEBATCH: No, the Commissioner would be acting on his own authority, with the object merely of testing the qualifications of the person to be appointed. Under the Bill, however, the Minister would not approve or disapprove of an appointment or a dismissal on any fixed lines, but would do it simply at his own sweet will. In the Municipalities Act there was no provision whatever for the Minister to approve or disapprove of an appointment or dismissal of any officer of a local governing body.

Hon. A. SANDERSON: It was important that this amendment should be made a test question of the principle running right through the Bill, and we should have a clear decision as to the wishes of the Council in regard to that principle. It was to be regretted that the Minister had not incorporated this in the Roads Board Bill, because it was all dealing with roads boards. So far from being a reflection on the intelligence and integrity of local authorities, the Bill would be of

assistance to those bodies, for surely it was consoling to reflect that there was at headquarters a department in which all these questions were brought to some kind of standard. The Hon. Sir E. H. Wittenoom had said that the local authorities should resign.

Hon. Sir E. H. Wittenoom: No, I said they might not feel inclined to act.

Hon. A. SANDERSON: Those local authorities ought to feel thankful for the Bill, which would relieve them of a good deal of worry. Fortunately on this amendment we could accept or reject the principle of giving the Minister a free hand.

Hon. C. A. PIESSE: The Minister had given very poor reasons in support of the clause. To say that a member of a roads board might, in consequence of being prosecuted and fined under the measure, take up an attitude of hostility towards the inspector responsible for the prosecution, was a paltry charge to trump up. Surely the Minister could give us something better than that, something better than telling us what might happen.

The Colonial Secretary: It does happen.

Hon. C. A. PIESSE: No instances of this sort were known to him. It was the only point the Minister had been able to bring forward in support of the clause, namely that it might happen that an inspector would become a marked man because he did his work too well.

The COLONIAL SECRETARY: Traffic inspectors were given very extensive powers under the Bill, and therefore it was advisable that provision should be made for the approval of the Minister in respect to the appointment of such officers. Moreover it was undeniable that many of the local authorities were not to be trusted in matters of this kind. He had been asked to give instances of prosecutions against members of roads boards. Three years ago the chairman and four members of a certain roads board had been prosecuted by the direction of the Minister for failing to take out cart and carriage licenses. All five delinquents were fined. Since then a majority of the members of two other

roads boards had been prosecuted for similar offences and fined. In many instances the local authorities could not be trusted to do the right thing in matters of this kind.

Hon. C. A. PIESSE: The statements made by the Minister would constitute a reflection on every roads board and local authority in the State until the Minister supplied the names of those he had referred to.

Hon. J. D. CONNOLLY: It was surprising that the Minister should resist the amendment. Assuming the Minister did not approve of an appointment, how was he going to get from the local authorities the nomination of the man he wanted?

The Colonial Secretary: We have to do the same under the Health Act, I think.

Hon. J. D. CONNOLLY: That was not so. This he could say with authority, for he had been responsible for the passage of the Health Bill through the House. There was no analogy at all between a traffic inspector and a public health inspector. No provision could be too severe to ensure the safety of public health, and a public health inspector of to-day was required to possess high qualifications. There was every justification for such a provision in the Health Act, because it could easily happen that the local authority might consist of well-meaning person who knew nothing whatever of the requirements of public health. It was much more likely that members of local authorities would be prosecuted under the Health Act than under this Bill. It was almost amusing to think that although a local authority could appoint a town clerk the same body had not the power to appoint a traffic inspector, for which post no special qualifications were required.

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

Ayes	..	..	..	16
Noes	..	..	..	5
				—
Majority for	..	..	..	11

Hon. E. M. Clarke
 Hon. H. P. Colebatch
 Hon. J. D. Connolly
 Hon. J. Cornell
 Hon. J. F. Cullen
 Hon. D. G. Gawler
 Hon. Sir J. W. Hackett
 Hon. V. Hamersley
 Hon. A. G. Jenkins

Hon. R. D. McKenzie
 Hon. W. Patrick
 Hon. C. A. Piessé
 Hon. C. Sommers
 Hon. T. H. Wilding
 Hon. Sir E. H. Wittenoom
 Hon. C. McKenzie
 (Teller.)

NOES.

Hon. F. Davis
 Hon. J. E. Dodd
 Hon. J. M. Drew

Hon. B. C. O'Brien
 Hon. A. Sanderson
 (Teller.)

Amendment thus passed.

Hon. C. A. PIESSE moved a further amendment—

That in paragraph (e) of Subclause 2 the words "but only with the approval of the Minister" be struck out.

Amendment passed.

Hon. C. SOMMERS moved a further amendment—

That Subclause 3 be struck out.

The Perth City Council had exercised power and control over their street traffic for years and to take away the power to collect license fees and the control of the traffic over the streets would not be just.

The COLONIAL SECRETARY: It was to be hoped the amendment would not be carried as it would remove the whole of the control of the metropolitan area from the Minister. The determination of the Government in this respect had been come to after serious consideration and it was decided that the whole of the main roads should be placed in the hands of the Minister; that he should collect taxes and distribute them amongst the local authorities according to the proportion of main roads in the district.

Hon. A. SANDERSON: After the last division it was no use fighting against the amendment. It was quite evident the Council did not approve of the proposal in the Bill and wished to see the local power preserved. He was sorry to see that, for we should continue to have the discreditable state of the main roads which at present existed both inside and outside the metropolitan area.

Hon. F. DAVIS: While it was true that the larger number of motors, especially

those applying for hire, were located in Perth, the greater part of the journeying was done outside of Perth, but the outside local bodies got no return. The Perth City Council got the fees and the suburban roads boards had all the trouble of keeping the roads in repair. It was an inequitable distribution. If the proposal in the Bill was carried it would mean that the Minister would have the power of equitably distributing the revenue amongst the roads boards. That would be a fair arrangement, but at present the system was unfair.

Hon. A. G. JENKINS: Next session we were promised a Greater Perth Bill, therefore all the smaller municipalities would disappear. The argument of the hon. member (Hon. F. Davis) would then not hold. As regards the smaller municipalities, this measure would not improve their position, because it was not the main roads that were cut to pieces by the traffic coming to Perth. For instance, the roads of Cottesloe and Cottesloe Beach which were mostly used were not the main roads but the roads down to the ocean beach, and the pretty roads. Those were the thoroughfares that were destroyed. With a Greater Perth Bill coming next session, which the Government had promised, the objection would be removed at once. This Bill would be one of the greatest stumbling blocks to a Greater Perth scheme.

Hon. F. DAVIS: While the argument of the hon. member might apply in regard to Cottesloe, in other districts the main roads were very much used. In all the suburbs the main roads were cut up by motor traffic and the same applied to such roads board districts as Greenmount and Darling Range.

Hon. C. SOMMERS: By taking control out of the hands of the Perth municipality a great blow would be struck at that body. It was difficult at present to get prominent persons to seek election to the Perth City Council, but if we took away the control of the traffic there would not be a great deal left for the city council to do. In other large cities of the Commonwealth the local bodies controlled the traffic.

Hon. W. PATRICK: As a country member he supported the amendment.

After the vote on a similar principle it was quite unnecessary to discuss this amendment. The Committee settled the question by giving power to the local authorities, therefore we could not refuse to give the same power to the municipalities of Perth and the suburbs. It was better to strengthen the powers of local authorities than to weaken them.

Hon. H. P. COLEBATCH: The only reason for the subclause was that Perth received more than its share for licenses, and that some of the money should be distributed among the suburban councils. If this was so, there should not be any difficulty in arranging a basis of distribution. The subclause entailed an extreme course of action because it would destroy local government. This clause must be read with Clause 23, which made the Minister the licensing authority in every district in the metropolitan area.

Hon. Sir E. H. WITTENOOM: The Committee seemed to be confronted with the proposition of adopting municipal or Ministerial control. If the clause was carried it meant a blow at municipal control. It was unwise to take this power out of the hands of the municipalities and it was a superfluous duty to place on the Minister. Surely the Minister's hands were already full. The Bill was far-reaching in that it would treat the area from Fremantle to Midland Junction differently from other parts of the State. Local matters such as the licensing of vehicles should be in the hands of the local authority. If the Bill was passed in its present form the councils would have practically no control of their streets. As far as the money would go, the streets and roads were being looked after as well as possible. If the Government left the municipalities alone and nationalised the road from Fremantle to Midland Junction and put it in good order, they would be doing all that was necessary. The amendment would have his support.

Hon. D. G. GAWLER: If this power was removed the Minister would not have control of trunk roads. He referred particularly to the main road between Perth and Fremantle. The present system of control was most unsatisfactory. The

users of many roads were people from whom no licenses were received by the council. On holidays motor cars were hired from Perth and they cut up the roads in suburban districts more than a week's or a month's ordinary wear would do. If he voted against the subclause he would be opposing the views of the suburban councils.

The COLONIAL SECRETARY: The general impression seemed to be that this portion of the Bill and Clause 23 were an offspring of the Government. The Ministry were in no way responsible for them. A conference of roads boards and municipal councils of the metropolitan area was called by the Minister to consider the question of the Perth-Fremantle road.

Hon. J. F. Cullen: Were the city council represented?

The COLONIAL SECRETARY: Yes. As an outcome, this scheme was approved by a majority of 22 to 3.

Hon. M. L. Moss: Who were the three.

The COLONIAL SECRETARY: The representatives of the City.

Hon. J. D. Connolly: Twenty-six was not a large gathering.

The COLONIAL SECRETARY: Every local authority in the metropolitan area was represented.

Hon. A. G. Jenkins: That was only to get one road taken over.

The COLONIAL SECRETARY: One of the arguments was that Perth collected £600 for motor fees, whereas Victoria Park received only £1. The City received the fees and the roads outside the City were cut up by the vehicles for which the fees were paid to the City. Mr. Jenkins had said the Government should wait for the greater Perth scheme. That scheme would go only as far as North Perth and Subiaco, whereas the metropolitan area covered the district from Fremantle to Midland Junction. The Government intended to distribute these fees supplemented by a grant of £1,000. If members opposed this clause they would be opposing the views of a majority of the local authorities expressed at the conference.

Hon. M. L. MOSS: Was it intended that the Government should collect these license fees and repair the main roads?

The COLONIAL SECRETARY: No. The money would be distributed among the various local authorities in proportion to the amount of repairs effected by them.

Hon. J. F. CULLEN: It was easy to understand that the delegates outside the City should agree to take this money from the City. If the money was handed over to the Minister, there would be new machinery, goodness knows how many inspectors and officials, and there would be a mere fraction left to be scrambled among different local authorities. He supported the amendment.

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

Ayes	..	..	..	15
Noes	..	..	..	8
				—
Majority for	..	..	..	7
				—

AYES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. V. Hamerley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. Sir J. W. Hackett
Hon. R. D. McKenzie	(Teller.)

NOES.

Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. J. Cornell
Hon. D. G. Gawler	(Teller.)
Hon. R. J. Lynn	

Amendment thus passed.

Sitting suspended from 6.17 to 7.30 p.m.

Progress reported.

The COLONIAL SECRETARY moved—

That the report be adopted.

Hon. A. SANDERSON: If the Government intended going on with the Bill it would require a lot of hard work to find out how all the clauses were going to operate, but if the Government were going to drop the Bill he hoped that members would receive notice. If we were going on further with the Bill, members should have the opportunity of making inquiries from the interested local bodies with regard to the details of it.

Question passed, the report adopted.

BILL—INEBRIATES.

Message from the Assembly received, notifying that the Council's requested amendments had been made.

BILL—ELECTORAL ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—INDUSTRIAL ARBITRATION.

The Assembly having declined to make a number of amendments requested by the Council, also having made certain amendments with modifications, the same were now considered.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

On motions by Hon. J. E. DODD consideration of amendments Nos. 2, 3, 4, 5, 6, 7, 9, 10, 14, and 15 postponed until after the consideration of No. 27.

No. 27. Clause 42, Subclause (1).—Strike out all the words after "consist of" and insert "a president nominated from time to time by the Governor from among the Judges of the Supreme Court":

Hon. J. E. DODD moved—

That the amendment be not pressed.

The amendment made by the Legislative Council was to the effect that the court should consist of a president nominated from time to time by the Governor from among the judges of the Supreme Court. The Bill as it stood provided that the president should be a layman. The whole matter had been thoroughly discussed.

Hon. M. L. MOSS: It would not be out of place to draw the attention of the Committee to one or two very important points in regard to the passage of this Bill through both Houses of Parliament. The Bill was first considered by the Legislative Assembly on a number of sitting days and it had had the utmost consideration at the hands of the Legislative Council. Members of the Council had dealt with the Bill on 22 days and it did not require him to remind members that some

of the sittings were of many hours duration. It could not, however, be said that in coming to the conclusion the Council did, that the Council acted hastily. He had learned from members that the consideration given in another place to the amendments of the Legislative Council when the Bill was returned was not of that thorough character that the Legislative Council was entitled to demand from the Legislative Assembly. It was public property that, except for the speeches made by some members of the Opposition, the only hon. member in another place who gave any consideration at all to what the Council had done—and he was particularly referring to the question of the judge—was the Attorney General.

The CHAIRMAN: The hon. member surely knew that he was transgressing in referring to the debates in another place.

Hon. M. L. MOSS: What he was doing was with the object of shortening materially the procedure, and he had no intention of transgressing. He was not quoting from *Hansard*; he was quoting from the Press reports.

The CHAIRMAN: Even Press reports would not justify any allusion to the debates in another place.

Hon. M. L. MOSS: Without making any special reference to the extent of the consideration given to the amendments in another place, he knew that the Bill had been discussed not only in the Legislative Assembly, but in caucus of the Labour party the amendments made by the Legislative Council were further discussed, and it was decided there what should be done with them. Then the procedure in another place followed as a matter of form.

Hon. J. Cornell: Exactly the same procedure that was adopted by your side.

Hon. M. L. MOSS: Nothing of the sort. It was also known that all the matters dealt with in Committee in that House were disposed of at one sitting which lasted until 4 o'clock in the morning. There should therefore be a reasonable attempt made by the Legislative Council to agree to what the Assembly had so thoroughly considered. The Bill as altered by the Legislative Council provided for the appointment of a Supreme Court judge to carry out the jurisdiction

and powers conferred by the Bill, but the Council went much further than it would otherwise have done and he wanted to draw the attention of the Committee to this. The Chamber had agreed to the registration of the Metropolitan Shop Assistants' Union on the assumption that a judge was the person who would be the pivot of the court. We had agreed to the insertion of the provisions compelling the court to give a minimum rate of wage, such minimum to be a wage that would enable the ordinary average worker to live in reasonable comfort having regard to all his obligations. We had also agreed to a provision which enabled the court to prescribe rules which might be necessary to secure the peaceful carrying on of the industries of the State. We had included in the definition of "worker" any person over 14 years of age engaged in any industry as defined in the Bill, save and except domestic servants and persons engaged in the agricultural and pastoral industries. We had done these things because we had confidence that if a judge of the Supreme Court was appointed to preside over the court that jurisdiction would be fairly and reasonably exercised. He had not been satisfied that if the independent judge had to give place to a political partisan it would have been just or expedient in the interests of the industries of the State to have conferred this increased jurisdiction. We had objected to preference to unionists and to the grading and classifying of employees. He was informed by Mr. Dodd that another place had agreed to the striking out of the subclause giving jurisdiction to the court to grade and classify workers. We had objected to the clause with reference to related industries. It seemed to him with regard to the amendment now before the Committee, that it was so closely bound up with a number of other amendments that had been considered that it would be just as well that it should be taken as something in the nature of a test division. After having discussed this Bill for 22 sittings over a period from 10th September to the 7th November, it would be useless to commence again and debate at length all these various matters. The Committee would be

well advised to take this test division upon the important question now before members and send the Bill back to another place, insisting on every one of the amendments made until another place appointed managers with the idea of effecting something like a reasonable compromise. It was just as well for the country to know who was responsible for any deadlock that might take place or for the Bill being cast into the waste paper basket.

Hon. J. W. Kirwan: The country will know that.

Hon. M. L. MOSS: The country fortunately consisted of two classes, workers and employers, and while there was a large amount of agitation in certain quarters in behalf of the workers to get this measure on the statute-book, there was just as strong a consensus of opinion on the other side that it should not go there in its entirety. He wanted to take the middle course. There ought to be an attempt in all these questions to get such a reasonable compromise that those people who said existing legislation was not sufficient to enable them to approach the court should get in the Bill what was a reasonable and just solution acceptable to both sides, each giving a little and taking a little. If the Bill was dropped into the waste paper basket it would be just as well for the country to know that this House had done its best to get the metropolitan shop assistants to register as one union; that we were giving this high rate of wages, power to the court to make rules for the peaceful carrying on of all industries, and were including every worker except domestic servants and agricultural labourers.

Hon. J. W. Kirwan: You have destroyed every principle in the Bill.

Hon. M. L. MOSS: For his own part he was quite prepared to give up some matters he had voted to have in the Bill in order to make a compromise. If the ordinary constitutional procedure was adopted when a deadlock took place on a matter of such importance as this, and managers were appointed from both Houses he would do his best to effect a fair and reasonable compromise. The

workers must not think that they should get all, nor should the employers think that they could have removed all that they had objected to. He was not going to subject himself to the indignity of having sat for nine or ten weeks discussing the Bill and then have it thrown back to him with the instruction to discuss it again. The Council had done what was fair, honest, and reasonable. We had put up our case to the Government on the Bill submitted to us for consideration, and the whole thing was thrown back to us. If that was the best compromise that could be made when the Houses were apart, let managers be appointed and he assured the Government that a reasonable attempt would be made to effect a fair compromise. The last thing he wished was that there should be industrial unrest in the community. Let this question be taken as a test vote, and the Honorary Minister would find that members were not unreasonable.

Hon. J. E. DODD: It was to be hoped the Committee would not adopt the suggestion made by Mr. Moss. To a person not conversant with the attitude of the Chamber in regard to this Bill the speech of the hon. member would appear to carry some weight, but those who knew the tactics that had been adopted would realise that there was not so much in the contention raised by Mr. Moss as appeared at first sight. Mr. Moss said that the Bill could go back and a compromise be made. The real attitude of the Council was that as many amendments as possible should be made in order to compel another place to climb down from the attitude it had taken up. In two of the most important matters in the Bill the provisions had been made infinitely more reactionary than the sections in the present Act, and instead of having a better arbitration law the Committee had said that the Act for the future should be not as good as the existing one. Agricultural workers had been prevented from taking any advantage of this measure, although agricultural and pastoral workers had been included in the scope of the present Act for at least ten or twelve years. In a small House on a catch vote taken with the ostensible object of securing the opin-

ion of a larger number of members the Committee had wiped out the provision for the inclusion of agricultural and pastoral workers. The same thing applied to the clauses in regard to the common rule. The power of the court to make a common rule was in the present Act, but the Council in the same way had decided that the common rule should be only permissive.

Hon. Sir J. W. Hackett: Could that not be set right in a conference?

Hon. J. E. DODD: It could, but it would be unwise not to discuss the amendments, even if only for the same length of time as another place had discussed them, to see how far this Committee could agree with the Assembly before sending the Bill back. There was no danger then of the other House not agreeing to a conference and endeavouring to get a compromise on the remaining points at issue.

Hon. M. L. Moss: What effort did they make to agree with us?

Hon. J. E. DODD: Another place had sat for a number of hours dealing with the amendments made by this Chamber. Mr. Moss had referred to the 22 sittings at which the Bill had been discussed, but a great portion of that time had been taken up with a re-discussion of matters on recommittal. Three important matters dealing with related industries, agricultural and pastoral labourers, and the common rule, had been recommitted for the purpose of altering the previous decisions of the Committee. He hoped the Committee would discuss the whole of the amendments to see how far we could agree with another Chamber.

The CHAIRMAN: I will ask hon. members to now discuss amendment 27.

Hon. A. SANDERSON: The position he had taken up all along he still maintained. On every platform throughout the length and breadth of the country he had said that he was altogether opposed to the system of compulsory arbitration whether with a judge, a layman, or anybody else. He would continue to maintain that attitude because the more he watched the system the more satisfied

he was that his view was in the best interests of the public. This was to be a test question. He would never be a party, if one was fairly beaten, of going in for pin-prick tactics, but it was his duty to put his position before the Council. When the Bill was introduced he was forced to accept the principle of arbitration and to follow it out in some kind of a logical manner, and now on the crux of the whole difficulty the Minister could not call on him to assist him any further, nor could Mr. Moss expect that he was going to fight against his own party.

Hon. J. W. Kirwan: What is the hon. member's party? I thought this was a non-party House.

Hon. A. SANDERSON: The hon. member's interjection brought one to the last point, the question of party and Unification.

The CHAIRMAN: The hon. member is outside the question.

Hon. A. SANDERSON: Without warning or lecturing hon. members, he would remind members of the Liberal party that if they forced this clause out of the hands of those sent into power by the will of the people, it was inevitable that arbitration would be forced into the Federal arena.

Question (that amendment No. 27 be not pressed) put and a division taken with the following result:—

Ayes	..	..	..	7
Noes	..	..	..	16
Majority against				9

AYES.	
Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(Teller.)

NOES.	
Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. Sir J. W. Hackett	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. V. Hamersley
Hon. C. McKenzie	(Teller.)
Hon. R. D. McKenzie	

Question thus negatived, the Council's amendment pressed.

Hon. J. E. DODD: If we insisted on all the amendments consequential on the previous decision of the Committee, would it prevent the Council agreeing to the president being a Judge of the Supreme Court and sitting with two ordinary members? He did not desire to shut the door to any compromise on this matter of the constitution of the Court.

The CHAIRMAN: Conference could recommend to the House any course which it might arrive at, and the House could then accept that course; but this was an opinion that should not be given in Committee.

Hon. M. L. MOSS: It was to be hoped the opinion given by the Chairman was correct, because if managers were to be appointed to try to compromise they should not be cut down in their powers. It might be highly expedient to keep the court as at present constituted, and ways and means could be found if the other side were anxious.

Hon. J. E. DODD: Could an amendment be moved now to provide that the court be constituted as at present?

The CHAIRMAN: The Message could be recommitted in the same way as a Bill, but it was impossible for the hon. member to move an amendment on Amendment No. 27, just considered. On recommitting the Message for the purpose of considering No. 27, the hon. member would be able to move under Standing Order 244, Subsection 5, that some other modification of the original request be made.

Hon. M. L. MOSS: If there were objections under the Standing Orders, it would be a simple matter to bring in a Bill carrying out the views of both Houses and put it through formally.

Hon. J. E. DODD: The point was—could the amendment be moved now?

The CHAIRMAN: It would be transgressing the rules of the Committee to allow it. It could be done on recommitment.

Hon. J. E. DODD: Would it be competent for a conference to deal with the question? Would the door be open to bring about a compromise?

The CHAIRMAN: In my opinion, yes.

Hon. J. E. DODD: In that case, all the amendments consequential on No. 27 should be pressed.

No. 2. Clause 4—In the definition of "industrial dispute" strike out the words at the end "or in any related industry":

Hon. J. E. DODD moved—

That the amendment be not pressed.

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

Ayes	..	..	..	11
Noes	..	..	..	12

Majority against .. 1

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. J. Cornell
Hon. Sir J. W. Hackett	(Teller.)

NOES.

Hon. J. F. Cullen	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. C. A. Plesse
Hon. J. D. Connolly	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. Sir E. H. Wittenoom
Hon. M. L. Moss	Hon. E. M. Clarke
	(Teller.)

Question thus negatived; the Council's amendment pressed.

No. 3, Clause 4—In the definition of "industrial matters" strike out paragraphs (d) and (e):

Hon. J. E. DODD moved—

That the amendment be not pressed.

It ought to be said that preference to unionists, as mentioned here, did not mean that preference to unionists should be granted. It meant simply that preference to unionists might be an industrial matter and become part of an industrial dispute.

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

Ayes	..	..	..	8
Noes	..	..	..	15

Majority against .. 7

AYES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. R. G. Ardagh
Hon. J. M. Drew	(Teller.)
Hon. Sir J. W. Hackett	

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. F. Cullen
Hon. R. D. McKenzie	(Teller.)

Question thus negatived; the Council's amendment pressed.

No. 4, Clause 4—In the definition of "industry," paragraph (c), strike out the words, "or a group of industries":

Hon. J. E. DODD moved—

That the amendment be not pressed.

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

Ayes	..	..	..	10
Noes	..	..	..	13

Majority against .. 3

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. R. D. McKenzie
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	(Teller.)
Hon. Sir J. W. Hackett	

NOES.

Hon. E. M. Clarke	Hon. W. Patrick
Hon. H. P. Colebatch	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. D. Connolly
Hon. M. L. Moss	(Teller.)

Question thus negatived; the Council's amendment pressed.

No. 5, Clause 4—Add at the end of "industry" the following proviso, "Provided that the agricultural and pastoral industries shall not be included in this definition":

Hon. J. E. DODD moved—

That the amendment be not pressed.

It should again be said that the agricultural and pastoral labourers had under the present Act the right of appealing to the court. There was no possible chance of another place agreeing to their exclusion.

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

Ayes	..	..	..	11
Noes	..	..	..	12

Majority against .. 1

AYES.

Hon. J. Cornell	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. R. G. Ardagh
Hon. Sir J. W. Hackett	(Teller.)

NOES.

Hon. E. M. Clarke	Hon. C. A. Piesse
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. J. F. Cullen
Hon. M. L. Moss	(Teller.)
Hon. W. Patrick	

Question thus negatived; the Council's amendment pressed.

No. 6, Clause 4—Definition of "worker," add at the end of the definition the following:—"but shall not include any person engaged in domestic service":

Hon. J. E. DODD moved—

That the amendment be not pressed.

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

Ayes	..	..	..	11
Noes	..	..	..	13

Majority against .. 2

AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. J. Cornell
Hon. Sir J. W. Hackett	(Teller.)

NOES.

Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. E. M. Clarke
Hon. M. L. Moss	(Teller.)

Question thus negatived, the Council's amendment pressed.

On motions by Hon. J. E. DODD, amendments Nos. 7, 9, and 10 pressed.

No. 14, Clause 7—Subclause 3, paragraph (b).—Add at the end:—"Such notice shall be given by the publication of an advertisement in a newspaper circulating in the district in which the office of the union is situate, and by posting a copy of the notice in a conspicuous place outside the said office":

Hon. J. E. DODD moved—

That the amendment be not pressed.

Although it might not have any effect, he would like to say that a modification of this particular clause was suggested by another place to be inserted elsewhere.

Question put and passed; the Council's amendment not pressed.

No. 15, Clause 7—Subclause (4), paragraph (b).—After the word "State" insert "or elsewhere":

Hon. J. E. DODD moved—

That the amendment be not pressed.

If he did not realise his responsibility, he would have nothing to say beyond simply moving the amendments. However, realising the responsibility, it was necessary to say he hoped the House would not take up the attitude of absolute resistance to every amendment.

Hon. M. L. Moss: That is not fair.

Hon. J. E. DODD: If the Committee did so, the responsibility would not be his, as he was pointing out what might possibly happen when the Bill again reached another place. He realised that he had a duty to those who had returned him, and to the State.

Hon. J. F. Cullen: So has every member.

Hon. R. G. Ardagh: According to the divisions one would not think so.

Hon. J. E. DODD: It was his hope that the request would not be pressed.

Hon. M. L. MOSS: If the Minister had confined himself entirely to discussing the principle, he would have said nothing, but as the Minister had said that the attitude adopted was unreasonable, he wished to say it was not fair, in view of the observations made by him (Mr. Moss) when the consideration of the matter was begun. He could assure the Minister that the opinion then expressed was held by a large number of those voting with him.

Hon. J. Cornell: They are getting antiquated.

Hon. M. L. MOSS: That was not so.

Hon. J. CORNELL: It was his desire to impress upon the House that, if this amendment was insisted on, it would be a question of retrogression in regard to this legislation. The Bill had been made worse than the existing Act. This clause had been in operation for ten years, and

the Government did not desire to alter it, but the House desired to alter it, and, in doing so, was not even marking time, but was going back. He had no hesitation in saying he could justify himself as far as the people were concerned.

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

Ayes	9
Noes	15
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Majority against ..	6
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AYES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. F. Davis
Hon. Sir J. W. Hackett	(Teller.)

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piessé
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. R. D. McKenzie
Hon. C. McKenzie	(Teller.)

Question thus negatived; the Council's amendment pressed.

No. 28, Clause 42, Subclause 2—Strike out this subclause:

Hon. J. E. DODD moved—

That the amendment be pressed.

Question passed; the Council's amendment pressed.

No. 29—Strike out all the clauses from 43 to 49 inclusive:

The CHAIRMAN: This amendment was entirely wrong in the manner in which it was presented. It was a new procedure to embody in one paragraph all the clauses that it was proposed to strike out. However, if the House desired to accept that procedure it could do so and the Minister could move a motion.

Hon. J. E. DODD moved—

That the amendment be pressed.

Question passed; the Council's amendment pressed.

On motions by Hon. J. E. DODD amendments Nos. 30 to 37 pressed.

No. 38, Clause 60—Strike out this clause:

Hon. J. E. DODD moved—

That the amendment be not pressed.

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

Ayes	..	..	..	10
Noes	..	..	..	14

Majority against .. 4

AYES	
Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. R. D. McKenzie
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. A. G. Jenkins

(Teller.)

NOES.	
Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. McKenzie

(Teller.)

Question thus negatived; the Council's amendment pressed.

On motions by Hon. J. E. DODD amendments Nos. 41 to 51 pressed.

No. 54, Clause 79—Insert at the beginning "the court may order that":

Hon. J. E. DODD moved—

That the amendment be not pressed.

The effect of the amendment was that the court might order an award to be a common rule. At the present time the common rule must follow any award of the court. It might be pointed out to the Committee that another place had agreed to quite a number of amendments, amongst them one on which the two Houses had been unable to agree last session.

Hon. J. D. Connolly: Were these not your own amendments?

Hon. J. E. DODD: Another place had agreed to a number of amendments other than those emanating from Ministers, amongst them the amendments relieving shareholders from liability for breaches of award, and the one already referred to upon which the two Houses had differed last session. This particular amendment, if insisted upon, would make the Bill more retrograde than the present Act.

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

Ayes	..	..	..	8
Noes	..	..	..	16

Majority against .. 8

AYES	
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. R. G. Ardagh
Hon. J. M. Drew	(Teller.)
Hon. Sir J. W. Hackett	

NOES.	
Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. J. F. Cullen
Hon. C. McKenzie	(Teller.)
Hon. R. D. McKenzie	

Question thus negatived; the Council's amendment pressed.

No. 56, Clause 85, Subclause (1), paragraph (a)—After "who" in line 6, insert "in the opinion of the court":

Hon. J. E. DODD moved—

That the amendment be not pressed.

The Bill as received from another place gave the court power to relegate to a tribunal the right to say whether any person by reason of old age or infirmity could not earn the prescribed wage. The amendment provided that the court should determine that question, and this would make it imperative for every person who wished to take advantage of that provision to go before the court.

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

Ayes	..	..	..	8
Noes	..	..	..	16

Majority against .. 8

AYES.	
Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(Teller.)
Hon. Sir J. W. Hackett	

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. R. J. Lynn
Hon. C. McKenzie	(Teller).
Hon. R. D. McKenzie	

Question thus negatived; the Council's amendment pressed.

No. 58, Clause 85, Subclause (1), paragraphs (d) and (e)—Strike out these paragraphs:

Hon. J. E. DODD moved—

That the amendment be not pressed.

In regard to the paragraph providing that the court might give preference to unionists, he would like to say that he had found that there was a considerable amount of victimisation at the present time, particularly in and around Perth, of persons who gave evidence before the court either in connection with breaches of the Early Closing Act or in connection with arbitration cases. The court should certainly have power to give preference to unionists in order to prevent any victimisation. In regard to the limitation of the hours of piece-workers, it was not his desire to add anything to the arguments already adduced.

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

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

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. F. Davis
Hon. J. M. Drew	(Teller).
Hon. Sir J. W. Hackett	

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Plesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. C. McKenzie
	(Teller).

Question thus negatived; the Council's amendment pressed.

On motions by Hon. J. E. DODD, amendments Nos. 60 to 68 pressed.

No. 69, Clause 127—Subclause 4, Strike out this subclause:

Hon. J. E. DODD moved—

That the amendment be not pressed.

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

Ayes	..	..	..	8
Noes	..	..	..	16

Majority against .. 8

AYES.

Hon. R. G. Ardagh	Hon. Sir J. W. Hackett
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	Hon. J. W. Kirwan
Hon. J. E. Dodd	(Teller).
Hon. J. M. Drew	

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. M. L. Moss
Hon. R. J. Lynn	(Teller).
Hon. C. McKenzie	

Question thus negatived; the Council's amendment pressed.

On motion by Hon. J. E. DODD, amendment No. 71 pressed.

No. 11, Clause 6, Subclause 4, paragraph (a)—Insert at the end of the paragraph the following:—"or where interests are of a like composite character." Assembly's modification—Strike out "where" and insert "whose" in lieu thereof:

Hon. J. E. DODD: This was really a clerical error. He moved—

That the modification be agreed to.

Question passed, the Assembly's modification agreed to.

No. 13, Clause 7, Subclause 1—Add at the end "of which seven days' previous notice specifying the time, place, and objects of such meeting shall have been given." Assembly's modification—Add to the amendment—"Such notice shall be given by publication of an advertisement in a newspaper circulating in the district in which the office of the union is situate, and by posting a copy of the notice in a conspicuous place outside the said office":

Hon. J. E. DODD: This was an amendment suggested in this Chamber. He moved—

That the modification be agreed to.

Question passed, the Assembly's modification agreed to.

No. 26, Clause 40—Strike out this clause. Assembly's modification—Delete the words "strike out" and insert "amend" in lieu thereof; and add to the amendment the words "by adding the following proviso:—'Provided that before making any declaration under this section in respect of any industry, the court must be satisfied that a majority of the workers engaged in that industry in the locality specified in the agreement are desirous that such declaration should be made, or that the employers of such a majority of workers (being a majority of the employers engaged in that industry in such locality) are desirous that such declaration should be made'":

Hon. J. E. DODD moved—

That the modification be agreed to. The clause previously before the Council, and which the Council struck out, provided that where the majority of workers asked for a common rule to be applied the court could make an agreement a common rule. The amendment now provided that the majority of the workers or the majority of the employers employing a majority of the workers could ask that the agreement be made a common rule.

Hon. M. L. MOSS: This modification should not be agreed to.

Hon. J. W. Kirwan: You give your orders.

Hon. M. L. MOSS: There were no orders.

Hon. J. W. Kirwan: It looks very like it.

Hon. M. L. MOSS: In the divisions tonight the same members were not always voting with him as would appear to be suggested by Mr. Kirwan, but there were a certain eight members of the Committee voting together fairly continuously.

Hon. R. G. Ardagh: There are no twisters on our side.

Hon. M. L. MOSS: The provision in regard to this clause should be for a majority of the workers and a majority of

the employers to ask for an industrial agreement to be made a common rule.

Hon. J. E. DODD: Every effort was made to draft the amendment to make it acceptable, but it was patent that, instead of the Government being accused of having this all cut-and-dried before submitting it to Parliament, it was already cut-and-dried as to what attitude was to be adopted in relation to these amendments.

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

Ayes	..	..	..	9
Noes	..	..	..	15

Majority against .. 6

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. C. McKenzie
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. F. Davis
Hon. Sir J. W. Hackett	(Teller.)

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Plesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. R. D. McKenzie
Hon. R. J. Lynn	(Teller.)

Question thus negatived, the Assembly's modification not agreed to.

No. 39, Clause 64, Subclause (4).—Strike out this subclause, and insert the following:—"Provided that when the court is sitting for the trial of any offence, counsel or solicitor shall be entitled to appear and be heard before the court on behalf of the prosecution or of the defence." Assembly's modification:—Strike out the words "Strike out the subclause and":

Hon. J. E. DODD moved—

That the modification be agreed to. The proviso carried in this Chamber had been really cut out of the Bill after being passed, when it appeared on the Notice Paper that it was passed. That was not so, as reference to the Minutes would show. The whole subclause had been struck out, and another place had agreed to the clause, provided the subclause was reinserted, namely, that no legal practi-

tioner should be allowed to appear before the court unless both parties expressly consented to his appearance. Then the other place would agree to add the amendment appearing on the Notice Paper.

Hon. D. G. GAWLER: If the proposal of another place was adopted, solicitors would not be allowed to appear in the Arbitration Court at all, although they would be allowed to appear in cases of trial of any persons for offences under the Act. That was not what he had intended when moving the deletion of Subclause 4, and personally he would insist upon the striking out of that subclause. The modification would reinsert the subclause.

Hon. J. CORNELL: This was another feature of the progress being made by the Committee. For ten years the court had worked without any counsel whatever. This was a retrograde step. Instead of another place marking time, the Committee had fallen back on their own graves. The Federal Act was directly in accordance with this proposal, namely, that counsel should not be admitted without the consent of both parties. He hoped the Committee would agree to the modification made by another place, otherwise a man on trial for an offence under the Act would not have the right to retain counsel. He had no desire to see lawyers appear in industrial matters without the consent of both parties.

Hon. Sir E. H. WITTENOOM: It was not easy to see what valid objection could be taken to having trained lawyers in the court. It would facilitate the business of the court. The only possible objection was that the gentlemen who conducted the cases for the unions were so well up in those affairs that no lawyer could equal them. A lawyer would scarcely be able to compete with a union secretary in the Arbitration Court. It would be an advantage to both sides if legal experts were employed in the court.

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

Ayes	8
Noes	16
	—
Majority against ..	8
	—

AYES.

Hon. B. G. Ardagh	Hon. R. D. McKenzie
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	(Teller.)
Hon. J. M. Drew	

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. Sir J. W. Hackett	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. C. McKenzie
Hon. A. G. Jenkins	(Teller.)
Hon. R. J. Lynn	

Question thus negatived, the Assembly's modification not agreed to.

No. 65, Clause 101.—Add a new subclause as follows:—“(2.) Any society consisting of workers employed by the Government (not being public servants subject to the Public Service Act, 1904, or members of the police force, warders employed in the prisons and nurses and attendants in all hospitals for the insane), shall be qualified for registration as an industrial union under and subject to this Act, provided it would be so qualified if its members were not employed by the Government.” Assembly's modification—Strike out the words “warders employed in the prisons and nurses and attendants in all hospitals for the insane”:

Hon. J. E. DODD moved—

That the modification be agreed to.

The Government were anxious to provide that the police should not have the right of registering under the Act, and the amendment had been moved by him to prevent the police force coming under the Act, for the simple reason that there was a Police Act which gave them many advantages and many privileges. The House had seen fit to include warders employed in prisons and nurses in attendance at hospitals for the insane. These employees had not the advantages that the police or members of the public service enjoyed, and consequently the Government could not agree to warders and nurses being prevented from partaking of the advantages of the law. Unions had already been formed and as far as the nurses in hospitals for the insane were concerned they were registered under the present

Act, although the registration if questioned might not stand.

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

Ayes	7
Noes	17

Majority against ..	10
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AYES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	(Teller)

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. Sir J. W. Hackett	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. A. G. Jenkins
Hon. C. McKenzie	(Teller).

Question thus negatived, the Assembly's modification not agreed to.

Resolutions reported; the report adopted, and a Message accordingly returned to the Legislative Assembly.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 496:

Hon. D. G. GAWLER: On the second reading he had pointed out that this clause would considerably hamper the dealing in land. It would be most difficult to carry out any transaction with small portions of subdivisions of land. The object of the Act was to insure that dwellings were not too cramped. If that was so a small amendment of Section 29 of the Municipalities Act would carry out the intention. That section stated—

No block of ground shall be laid out for building unless and until a plan showing clearly the number of houses or buildings proposed to be built thereon, and the area to be occupied by each

house or building, and the position of every privy and drain, and a copy of the specification, have been laid before and approved by the council; and it shall be unlawful for the council to approve of any plan which does not show that every proposed building intended to be or capable of being used as a dwelling-house shall have in the rear or on one side thereof an open space, exclusively belonging thereto of the following extent, namely, an area equal to the full width of that allotted to the building, and of a depth of at least twenty feet.

If the council could say that a building should not occupy less than a certain frontage the object would be attained.

Hon. J. D. Connolly: They practically do under the Building Act.

Hon. D. G. GAWLER: Yes, and under the Health Act the authorities controlled everything in connection with the plans of buildings so that it seemed that there was no need for a further safeguard. Clause 3 was really an amendment of the Transfer of Land Act and not of the Municipalities Act. Under the Transfer of Land Act only leases for a term of more than three years were accepted, but now leases for less than three years terms would be included, and it would be necessary to go to the council and await their pleasure before the lease could be put through.

Hon. J. D. CONNOLLY: The clause should not be agreed to. No doubt the framers had good intentions in desiring that land should not be cut up into too small blocks, but they evidently had not consulted the Municipalities, Building, or Health Acts. The clause was out of place in this measure and should be in the Transfer of Land Act. A man could not deal with a lease without going cap in hand to the council to ask their approval. The provision in the Municipalities Act related to a big subdivision and not to the cutting up of small blocks. What was residential land to-day might in ten years be town blocks, and instead of frontages of 50 feet, frontages of 25 feet might be sufficient for business premises. The local authority had the Municipal Act,

which laid it down that there must be left a certain amount of space for a backyard. Under the Building Act the municipal council had to approve of every plan. One of their by-laws was that there must be a space of four feet from the boundary line, and that in itself ensured a house not being built on too small a block. Then it had to pass the Health Act. Altogether Clause 3 was out of place in the Bill.

Hon. J. F. CULLEN: The Minister ought to be content with the first part of the Bill, which was important. The second part was only doing the right thing in a wrong way, but it was a partial way which was hardly worth having. There were far more transactions in land outside the Municipalities Act than within it. There were more transactions in land under areas covered by the Roads Act, and this would be such a partial remedy that it was not worth having in the Bill.

Hon. C. A. PIESSE: It might be explained whether this would affect the plans already in possession of the Registrar of Titles.

Hon. J. F. Cullen: Not unless they are further subdivided.

Hon. C. A. PIESSE: There were several instances where plans had been approved by roads boards and by municipal councils, and he took it that it would not be necessary to have those plans as deposited approved of again.

Hon. D. G. Gawler: This clause will not apply unless they subdivide those subdivisions again.

The COLONIAL SECRETARY: This seemed to be the proper place in which to make the amendment, and the approval of the municipal council must be got to the subdivision. This House had already cut up his land into one-acre blocks and if it was necessary in connection with a special subdivision it was necessary in connection with smaller ones. If he got an approval from the municipal council to cut up his land into one-acre blocks and if he sold it, the buyer ought to be compelled, if he wanted to cut it up again, to re-submit the plans whether he wanted to build or not. The section in the Act as it stood did not go far enough and that was

why the amendment had been included in the Bill.

Hon. J. D. CONNOLLY: An instance might be quoted of land between Murray and Wellington-streets, bounded on the east side by King-street. That was originally a town lot and was sold 7 or 8 years ago. The plan was deposited at the municipal council office and approved by the Titles Office. Then the land was cut up into blocks of 33 feet, and under this clause if one of the holders of those blocks wanted to cut off six feet and lease it he could not do so without submitting it to the town council. The town council would say, "What are you going to do with it?" Was that not a direct interference with the Transfer of Land Act? This would simply humbug people who bought land.

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

Ayes	6
Noes	15

Majority against	..	9
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AYES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. F. Davis	(Teller).
Hon. J. E. Dodd	

NOES.

Hon. H. P. Colebatch	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H. Wilding
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. W. Patrick
Hon. R. D. McKenzie	(Teller).

Clause thus negatived.

Title—agreed to.

Bill reported with an amendment.

House adjourned at 10.15 p.m.