to act on behalf of the State. So far no valuations have been made, as the time for making same is to be mutually arranged between the officers concerned. No intimation has yet been received from Colonel Owen as to when he proposes visiting this State. The loss in depreciation on re-transferred properties has so far been borne by the State, but the Government is endeavouring to make arrangements with the Commonwealth that before any farther properties are re-transferred the allowance for depreciation and a proportion of rent for the time occupied will be made. The upkeep of buildings taken over by the Commonwealth is paid for by the Commonwealth and debited back to the State under the Constitution Act. No arrangement has yet been made as to how these properties are to be paid for.

QUESTION—MINING ON PRIVATE PROPERTY.

Mr. STONE asked the Minister for Mines: Will he consider the desirability of bringing the Northampton mining district under the Mining on Private Property Act this session, when the amendment to the Mining Act comes on?

The MINISTER FOR MINES replied: 1, All lands in the State, with the exception of the Hampton Plains Estate, are subject to the provisions of "The Mining Act, 1904," as regards mining for gold, silver, and other precious metals. 2, All lands alienated after 1st January, 1899, are subject to the Mining on Private Property provisions of "The Mining Act, 1904," as regards mining for minerals. 3, Provision is made in "The Mining Act, 1904," for bringing lands alienated before 1st January, 1899 (the minerals contained in which were not reserved to the Crown), under the provisions relating to Mining on Private Property. 4, As, however, when the Act was framed, the fact was overlooked that certain lands in the State had been sold at a special price and under special regulations framed for the disposal of mineral lands, the Government has decided that until Parliament has had an opportunity of farther considering the question, the provisions of Sections 155 and 156 of the Mining Act shall not be enforced in regard to such areas, especially in view of the fact that the Hampton Plains Estate was specially excluded by Parliament from the provisions of "The Mining Act, 1904," relating to Mining on Private Property. 5, Parliament will shortly have an opportunity of expressing its opinion on this subject.

PAPERS PRESENTED.

By *the Premier*: Report of Conference between Representatives of the United Kingdom, the Commonwealth of Australia, and New Zealand, on the subject of Merchant Shipping Legislation.

ADJOURNMENT.

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

Legislative Council,

Thursday, 25th July, 1907.

The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION—OLD MEN'S HOME, NURSES.

Hon. M. L. MOSS asked the Colonial Secretary: 1, What are the number of

nurses employed at the Old Men's Home, Claremont? 2, Has any complaint been made as to the insufficiency in numbers of the nurses employed at the Home? 3, Will the Government indicate whether it is their intention to increase the number of the nurses at the Home, and if so, when will such increase take place?

The COLONIAL SECRETARY replied: 1, Two nurses and two sick-ward orderlies. 2 No. 3, Provision has been made on Estimates for an additional nurse, and an appointment will be made immediately.

LEAVE OF ABSENCE.

Leave of absence, on the ground of urgent private business, was granted for two months to the Hon. R. D. McKenzie, on motion by the *Colonial Secretary*; for three months to the Hon. R. Laurie and the Hon. F. Connor, on motions by the *Hon. M. L. Moss*; and for two months to the Hon. E. M. Clarke and the Hon. J. W. Hackett, on motion by the *Hon. E. McLarty*.

EAST PROVINCE VACANCY.

On motion by the *Colonial Secretary* (consequent on the death of the Hon. C. E. Dempster) a seat for the East Province was declared vacant, the President being authorised to issue a writ for the election of a new member.

SUPPLY BILL, £639,303.

All Stages.

Standing Orders suspended to allow the Bill to go through all stages in one sitting.

The COLONIAL SECRETARY (Hon. J. D. Connolly): I move that the Bill be now read a second time.

Hon. G. RANDELL (Metropolitan): Before the motion is agreed to I would like to enter my protest, as I have done before, against the employment of loan money in the erection of buildings, even although they may be urgently needed. It is desirable we should impress on the Government, whatever Government may be in power, that it is a very undesirable thing and calculated to do considerable harm to erect buildings and construct roads and bridges from loan funds. I hope the practice, which has only recently been begun, may be discontinued at the earliest possible moment.

The COLONIAL SECRETARY: I would like to say, in answer to the Hon. Mr. Randell, that none deprecates the spending of loan money on public buildings more than this Government and the individual members of it. [*Hon. W. Kingsmill*: I have heard you deprecate it.] I am of the same opinion still. It is an extremely bad policy; but when the necessity exists and the revenue is in such a bad state, what are you to do? With regard to the item for public buildings, I think I am safe in saying that almost the entire sum is to be used for progress payments for the contracts now in existence for completion of the Hospital for the Insane at Claremont. In the course of the debate on the Address-in-Reply and when the Loan Bill was before us last session, I referred to this matter. Unfortunately these patients are increasing to an alarming extent, and it was absolutely imperative that something should be done. Anyone who has visited the Fremantle Hospital and seen the crowded state there, must be prepared to go even against his very principles in order to approve of loan money—if consolidated revenue is not available—being spent in public buildings rather than that these poor unfortunate patients should remain in the crowded state any longer. This is the reason why the Government sanctioned that money being spent on public buildings. Looking at the question also from an economical standpoint, the expenditure is advisable, for, when the new buildings are completed, the two present institutions, one at Whitby and the other at Fremantle, will be closed and all the patients moved to Claremont, where they will be better treated and classified, and a better percentage of recoveries will be obtainable. I am glad to say that already, under the care of the medical gentleman in charge of the institution, the percentage of recoveries shows considerable improvement. By locating the patients in one building we have been

able to save between £2,000 and £3,000 in administration. [*Hon. G. Randell*: What will you do with Whitby?] This is a valuable property and can always be well utilised or sold. The point is that we can administer more cheaply by having all the patients in one building than by having them scattered. Whitby is a farm and was not specially built as a hospital for the insane. The new buildings are of the very latest plans, and the administration will be very much better and cheaper than has been the case heretofore, when the patients were confined in buildings never intended for the purpose for which they were used. I say these few words in answer to the remarks made by the Hon. Mr. Randell.

Motion put and passed.

Bill read a second time.

In Committee, etc.

Clauses 1, 2—agreed to.

Schedule A—Consolidated Revenue £441,513.

Division XLIX.—Lunacy £3,919:

Hon. E. McLARTY: It always seemed to him a mistake to do away with the asylum at Whitby, as there was profitable employment there for a large number of men. It was really a splendid thing for those unfortunate people, some of whom were only at intervals afflicted with insanity, that they were able to work on the farm just as well as the most sane people. In addition, dairying was undertaken on the farm to some extent, while large quantities of vegetables were also produced—[*Hon. M. L. Moss*: Also to be done at Claremont]—sufficient for their own requirements and to supply other Government establishments. Was there sufficient land at Claremont of a suitable description to employ these unfortunate people? The Government could work the Whitby institution without any loss to the State; in fact it could be made a source of profit. It was doubtful if the land at Claremont would be suitable, and the institution would still be of great expense to the State. He always thought it was a step in the right direction to have the patients at Whitby.

The COLONIAL SECRETARY: It was too late to discuss the question whether the hospital for insane should be at Whitby or at Claremont. The point which the hon. member mentioned had occurred to him, and no doubt it occurred to his predecessor in office. He was satisfied, having gone into the question with the Inspector General of the Insane, that it would be far better to have the patients at Claremont than at Whitby. It was impossible to obtain attendants if the institution was far removed, and the attendants required higher salaries and their services could not be retained if, when they had a day off, they could not get into town. As to the orchard at Whitby, the hon. member, some day when he had a little time and when the buildings at Claremont were farther advanced, might visit that place and see the institution. There was a great extent of ground, a good portion of which was laid out as orchard and vineyard. Possibly the soil might not be as good as at Whitby, but the situation was healthy and a lot of vegetables were produced at this place. The institution had its own cows and grew sufficient fodder to feed them, also supplied milk to the institutions at Fremantle. No doubt within the next ten years, as was only to be expected, the number of patients would increase and a second institution would have to be established. The Government were looking out for a site in an agricultural district in a good climate so as to reserve a good area of land, that in the future a second institution could be established in an agricultural centre.

Hon. M. L. Moss: What were the Government going to do with Whitby?

The COLONIAL SECRETARY: That question had not come up yet. Whitby might be handed over to the Agricultural Department or used for some other Government institution.

Schedule passed.

Schedule B, General Loan Fund:

Hon. J. A. THOMSON entered a protest against the expenditure of £18,293 out of loan moneys in fostering agriculture. It must not be thought that he

was an individual who had a sort of grievance, but this question had been thought out, and the Government in his opinion were going out of their way altogether in fostering the agricultural industry. To spend £18,000 out of loan moneys for this purpose was nothing short of a suicidal policy. No sane business man would ever dream of doing such a thing. If we had sufficient surplus revenue for the purpose of experiments like this, well and good, but when we had not sufficient revenue to meet the ordinary calls made on the Government, why should the Government spend £18,000 from loan moneys for this purpose? Perhaps the Colonial Secretary could give some information on the subject. Was the money required to pay for the cows that we had heard so much about?

The COLONIAL SECRETARY: On a Temporary Supply Bill it was not usual to give full details. This was simply temporary supply for the next two months until the Estimates were brought down. All the details in connection with this amount were contained in the Loan Schedule of last year. This money would go in ordinary course for the development of agriculture. He did not know if the cows had been bought out of loan money or not, probably they were; but that money would be repaid by the buyers.

Hon. G. Randell: What about immigration?

The COLONIAL SECRETARY: The vote for immigration under the Colonial Secretary came out of revenue.

Hon. R. F. Sholl: Were the agricultural railways included?

The COLONIAL SECRETARY: No; the railways were provided for in an item by itself.

Hon R. F. SHOLL: If an amount for agriculture was spent last year out of loan money, there was no reason why it should be repeated. He would feel tempted when the Appropriation Bill came down to move that the measure be sent back with a suggestion to strike out certain items if this system were continued. He entered a strong protest against loan moneys being used for matters of this kind, and considering that the amount to be voted was for only two months, that would mean £180,000 for the year. By this measure we committed ourselves to a policy of allowing money to be spent on works which should be left until the State could afford them. If the country was not in a position to pay for these works out of revenue, then we should wait until it was. There were items for the development of agriculture, roads and bridges, buildings, development of the goldfields and mineral resources, and other items that certainly should not be voted out of loan money.

Schedule passed.

Preamble, Title—agreed to.

Bill reported without amendment; report adopted.

Bill read a third time, and *passed*.

BILL—CONCILIATION AND ARBITRATION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly): In moving the second reading of this Bill, I am somewhat in a fortunate position inasmuch as I have not, I think, to convert members to the necessity of the principle of compulsory arbitration to settle industrial disputes, as that principle has been accepted by the State. Therefore there will be no need to adduce arguments in regard to the principle of the Bill. Later on I shall simply touch on the clauses of the Bill that are different from those of the present Act. Although this is an amendment of the parent Act, members will notice that it entirely repeals the present Act, and is a new measure. The reason for that is very plain. The amendments are so numerous that the amending Bill would be really bigger than the parent Act; and as this Bill is likely if not altogether to be handled by laymen it is quite evident that the clearer we make a measure of this description the better. Indeed it must be very irritating at times even to members of the legal profession, when Acts have been amended, to find so many amendments to a parent Act, sometimes being more bulky than the Act itself. Of course there are reasons

why some Acts should not be repealed and replaced by another Act, such as when an Act is very old and certain decisions have been given on it; but I do not think these reasons are quite applicable to the present case. This Act has only been in force a few years, therefore I do not think there can be any harm in repealing it and putting a new Act in its place. I know certain people, and I dare say many members also, will say the Conciliation and Arbitration Act has been a failure. I do not know that it has altogether been a failure, but it has certainly been rather disappointing. It has not been carried out in the way that Parliament expected when the Act was enacted.

Hon. J. A. Thomson: It has not been observed.

The COLONIAL SECRETARY: I think, all things considered, in view of the disastrous effect of a big industrial dispute not only on those concerned but on the whole country generally, it would be too serious a step for the Government to ask Parliament to repeal the present Act without giving it a farther trial. I candidly admit that if we have many more decisions of the Arbitration Court flouted as we have had it would be out of reason to expect the Act to stand. When we have an Act that can be enforced on the one side only, when the other parties for whom mainly it was passed will not observe it, if much more of that goes on it will have to be seriously considered whether the Act should be continued. However, although the Act has been broken I do not think the Government would be warranted at present in asking Parliament to repeal it. I think it is worthy of some farther trial. The first Act was brought in in 1900 by the Forrest Government. I think Mr. Pennefather, who was then Attorney General, introduced it in the Lower House, and it was introduced later on in this House by Mr. Randell. In 1902, the existing Act was introduced and passed by the James Government. [*Hon. M. L. Moss*: By the Leake Government.] Yes; it was introduced by Sir Walter James when he was Minister in the Leake Administration. In 1904, the Daglish Government proposed one or two Bills for amending this Act. I believe a Bill passed through both Houses, but evidently the amendments made were not acceptable to the Government and they decided to lay the Bill aside. The present Act has been in operation for five and a half years, and a great number of amendments have been found necessary during the working of the Act. Most of the alterations are to improve it, to make it a better and more workable measure. When the present Bill was framed we took into consideration the original Act of 1900, the present Act, the Bill introduced by the Daglish Government, and a Bill that was left in print as drawn up by Mr. Hastie. We have also taken into consideration the weak spots discovered in the working of the Act. These things are sought to be amended in the present Bill. I hope that if the Bill becomes law both the employers and employees will recognise, more than they have in the past, that it is a measure for their mutual benefit, and I hope they will try to abide by it. Of course an Act of this kind cannot be enforced in the way of an ordinary statute. If the members of the community for whom it is enacted will not loyally try to carry out its provisions, no Government can possibly make them do so. I will confine myself in a sketch of the leading features of the Bill to where it differs from the present Act. Members will see that it is a great deal smaller than the present Act, and the prime reason is that a large part of the present Act is taken up with the government of conciliation boards. These boards were created in the first Act, that of 1900, but for the last three years they have fallen into disuse altogether. Disputes do not go to conciliation boards but go direct to the Compulsory Arbitration Court. Therefore when the provisions for conciliation boards are not availed of it is unnecessary to have them in the measure, and it is not proposed, except in special cases which I will explain later, to provide for conciliation at all. Special boards of conciliation, however, have been retained. Members will find the

provision governing them in Clause 84. If parties agree to settle any dispute in a conciliatory way we have the machinery provided. A dispute was lately settled in this way after the late strike, the parties being the engineers and Millars' Karri & Jarrah Forests Ltd. There is another new feature, one to which I suppose some sections of the community will take some exception. I refer to industrial combinations. In Clause 24 members will see what is the meaning of "industrial combinations." Under the pesent Act no persons can approach the Arbitration Court unless they are a union of 15 workers and have first obtained the sanction of an organisation like the Trades and Labour Council. That entirely shuts out the benefit of the court from men who do not belong to unions. Members are perhaps not aware that there is a big percentage, indeed a great majority of workmen—I speak more particularly of the miners on the Eastern Goldfields—who do not belong to any industrial union. Therefore they have no voice and cannot be heard before the court. Again there are certain classes of workmen who have no union in any particular district and perhaps are not able to form a union. The provision for industrial combinations provides that 25 persons can form a combination and petition the court to hear any dispute. It is proposed that they should register at the office of the Registrar of Friendly Societies exactly as a union does, but they only hold good as a combination or union while the case is being heard, and as soon as the case is over they disband. This will get rid altogether of the need for wages boards. A good deal has been said from time to time that we should have wages boards in addition to the Arbitration Court, but I maintain there is no necessity at all for having two tribunals of this kind. One is quite enough and one is quite sufficient. It has been said that certain workers, the textile workers, cannot approach the court because they have no union. This provision will give these people an opportunity of coming together. Twenty-five people working at the same class of work put their case before the court and get an award fixed for whatever period the court decides, and that is generally three years. I know this clause will be stoutly opposed by the unions, as it will be considered to be a blow at the industrial unions, but I would like to remind members that the present Act forces to a great extent every man into a union. That is not right. Every man should be free. If he wishes to join an industrial union he should certainly be allowed to do so. But the Arbitration Court, carried on at great expense to the State to settle industrial disputes, should be open to men who do not belong to a union just as much as men who belong to a union. That is the object of making the alteration. Another important alteration is in reference to the constitution of the court. It is laid down in Clause 38. At present the court consists of the president, who is a Judge of the Supreme Court, and two members, one elected by the unions of employers and one by the industrial unions of employees. These two gentlemen sit for every dispute. It has been said, and I think with a good deal of truth, that if the court was constituted differently perhaps a good deal of the trouble that has arisen over awards not being obeyed would not have taken place. For instance, we might have a certain gentleman, we will assume from the employers, who is well versed in and knows the full details of the mining industry; but while he may be very good in that and may draw up a scale of wages quite suitable to that class of industry because he understands the full details of the work, when it comes to a timber dispute he may be entirely at sea. To obviate that difficulty we propose to alter the constitution of the court. The court will really consist of the president as it is in the Commonwealth Arbitration Act and he will still, as in the past, be a Judge of the Supreme Court; and whenever a dispute arises the employers in that particular dispute will elect an assessor to sit with the Judge, and the employees will elect an assessor to sit with the Judge. These assessors so chosen will be assessors of the court

for that particular dispute only. The parties to each dispute will appoint their own assessors for their particular dispute. These assessors are given more powers than ordinary assessors. The ordinary assessor in a court, as the legal members of this House know, is not allowed to take up the same position as a member of the court; that is to say, he can only sit to advise the Judge or umpire; but in this case he will be allowed to examine witnesses and ask whatever questions he likes, as members of the court at the present time do, in order to bring out a particular point he wishes to emphasise. Members will realise that assessors sitting with a Judge would be entire failures if they had not the power to bring out the points in the particular dispute before the court. [*Hon. J. W. Langsford*: Do they join in the decision?] Yes; to this extent, that they sit with the Judge in the court and with him in the framing of the award.

Hon. M. L. Moss: It is just exactly as now, except that they are appointed for one case instead of being permanent.

The COLONIAL SECRETARY: Yes; and there is really no court except the President. Now there is a standing court, but under the Bill that will not be so. The fees for lay members are now paid by the State; but the Bill proposes that each of the parties to the dispute shall pay its assessor. But power is reserved to the Minister to give in exceptional cases certain fees to the assessors, an allowance in the prescribed form; and the Minister may authorise the payment to members of the court of their reasonable travelling expenses. It may be deemed advisable for the court to sit in the locality where the dispute arises, and it will then be much better for all concerned to pay the actual travelling expenses of the members of the court to that place, instead of bringing all witnesses to Perth or elsewhere. The Bill makes clear what was intended by the existing Act—the prohibition of the use of industrial union funds for political purposes. For some time this question has been freely discussed by the unions. I know exception has been taken to the action of the registrar, who refused to register unions under the Conciliation and Arbitration Act or the Trades Unions Act if they used their funds for political purposes. Later on, a body representing various unions waited on me as Minister controlling the department, and requested me to insist on the registrar's granting their applications for registration. I did not interfere with the registrar, who administered the Act to that extent, holding with him that it was wrong for industrial and trades unions to use their funds for political purposes. To my mind it is just as wrong for them to do so as it would be for any other friendly society. A man joins an industrial union for a certain purpose which is certainly not political; but those unions actually try to use the funds for political purposes which may be entirely opposed to the political principles of certain members. Against this it will be said, if the unions choose to make a certain levy on their members, why can they not be allowed to use exactly as they like the money so raised, whether they use it for political or any other purposes? The answer is, men join the union for certain purposes laid down in the rules. It is claimed that the payment of the levy is not compulsory, but we know the man who will not pay to a political fund is a marked man; and of this I have known several instances. One man formerly in my employment stated that a levy had been made by his union to support a candidate opposed to me and to another member of the Ministry, and this unionist had subscribed for the sake of peace, but would not support the candidate, nor did he believe in his principles. If the men wish, outside the trade union, to form a political organisation, they are at perfect liberty to do so, and every man who wants to join and believes in their principles can join that association. But it is extremely unfair, and I maintain that Parliament never intended, that trades unions should use their funds for political purposes. Parliament is now invited to give a clear definition of the law on this matter, which to some people is not clear now. On

pages 5 and 6 the Bill provides that "No society shall be or continue to be registered under the Act, if its object or purpose is to promote or farther the political interest of the members or workers, or if its rules contain any provision which permits, sanctions, or authorises the application of any part of its funds for political purposes." That will clearly define the law if Parliament so desires; and then this vexed question will be set at rest. In one case I offered to submit the case to the President of the court; but the President ruled that there is no appeal from the registrar's decision. The Bill provides that there shall be an appeal from the registrar to the President, who as I said, is a Supreme Court Judge. Any industrial union of workers or of employers, finding themselves aggrieved by the decision of the registrar to cancel the registration of their union, or to refuse to register, or aggrieved by any other action of his, can appeal to the President for his decision, which shall be final. Clause 50, Subclause 17, prohibits the appearance of counsel before the court. It is not proposed to make any alteration in the law. As members are aware, counsel are now debarred from appearing, and when that provision was inserted I think it was intended that this should be purely a layman's court, in which legal points should not be raised, and that the provision would cheapen the cost of the proceedings, though I do not know whether that has been the effect. It is not proposed to alter the law, but in this Bill we have incorporated an amendment which was agreed to by both Houses of Parliament in 1904, in the Bill introduced by the Daglish Administration and afterwards dropped. This amendment is now embodied on the end of Clause 50: "The agent of a party shall not be a member of, or a person who has announced himself as a candidate for election to, either House of Parliament of the State or of the Commonwealth." I was in the House when that amendment was moved, I think by Mr. Moss; and it still appeals to me as a good provision, and Parliament will have the right to say whether it is wise or unwise. I am inclined to think its insertion will prevent at least some industrial disputes; for it is an undoubted fact that the courts are often used and disputes brought about to farther the political ends of some aspiring member. As to fees, all registrations are now free, and as I have ascertained since I assumed control of the department, a considerable amount of work is done by the registrar of friendly societies and his officers for which the members of these societies pay nothing at all. The Bill provides that unions and the other combinations I have referred to shall upon registration pay a fee of £1, and 2s. 6d. on amendment of rules. They frequently amend their rules, thus throwing considerable work on the registrar and his officers, for the amended rules have to be carefully examined to see whether they are in accordance with the Act. A very useful provision is that in Clause 33, which extends the power to confirm industrial agreements. When the court is satisfied that the majority of employers in any locality have become parties to an industrial agreement—only when the majority become parties to it—the court may, on the application of an employer or industrial union or industrial combination, order that such industrial agreement shall be binding on all employers in the industry in such locality during the currency of the agreement. If we can without injustice to anyone facilitate the making of industrial agreements, much expense and trouble will be saved to the parties. I may explain, for the information of members who have not had much to do with the working of the Arbitration Act, that an industrial agreement can be entered into between the parties and subsequently be made an order of the court, and have the same effect as a decision or award of the court after a hearing, though the effect is achieved at much less cost than in the case of an ordinary award. Clause 25 extends the power of the court by enabling it to obtain evidence in addition to that tendered. It may examine non-unionists to discover the existence of sweating. This will facilitate the work of the court as a wages board; it will

be able to do all that a wages board can do for the protection of the workers. At the present time the court can hear the evidence of none but the witnesses summoned by one side or other, but this provision will enable the court to call and hear any evidence they choose. By Clause 67 the court, when fixing a minimum wage, is given power to discriminate between workers who are either under or over a certain age, who are infirm, or are apprentices or improvers. By this means workers unable to find employment at the standard wage can be taken on at a reduced wage. In the existing Act a young man, an improver, an apprentice, or an old man finds it very difficult to get work owing to the award of the court fixing the minimum at a rate which the employer will not pay to such workers.

Hon. G. Randell : The difficulty was to get the consent of the secretary.

The COLONIAL SECRETARY: That is the trouble. This Bill, by giving wider powers, is an endeavour to obviate the trouble experienced in the past. There is provided also what I certainly think was intended to be provided in the present Act, a ballot of members. At present it is a simple matter to bring a dispute before the court, the present Act providing that a union of only 15 members may bring a dispute before the court. In this Bill the law is made clearer that a majority of the members of a union must vote in favour of reference to the court before such reference can be received, and the clerk of the court has to satisfy himself that a ballot has been taken before a case can be set down for hearing. There is no provision of this sort in the present Act, and it is not known sometimes whether a proper ballot has been taken or not. In several cases the court had almost decided not to hear the case because it was not satisfied that a ballot had been taken; but as both parties were agreeable to the hearing and considerable expense had been gone to by both the employers and the employees in coming to the court, it was decided to hear the cases. There is another matter on which a good deal of discussion has occurred lately, that is the question of assisting workers whilst on strike. Any doubts that may remain in people's minds as to the offence any person commits who subscribes to any fund for workers on strike are removed by Clause 76 of the Bill. Section 98 of the present Act seems very plain on this point; yet large numbers of the public appear to be unaware that they are each liable to a fine up to £50 for subscribing to the fund formed in connection with the recent timber trouble for the purpose of assisting persons on strike. Members will see by this section that any person who takes part or is concerned in anything in the nature of a lockout or strike, or who instigates or aids, shall be deemed guilty of an offence. And we have it in the words of the learned Judge who tried the recent case that one could not assist a strike in a better way than by contributing funds. The clause has been altered to read:—

> "Any person who contributes in money or in kind to any fund for the relief directly or indirectly of workers, or in aid of any employers offending against this section shall be guilty of an offence."

Although to my mind the old section seems quite clear, evidently one would suppose, seeing the large contributions made for the strikers in the late timber trouble, that people are not aware they are in danger of committing an offence and are liable to a penalty of £50 by so doing. But by this clause this is made very plain, and there will therefore be no excuse for such people in the future.

Hon. J. W. Langsford : Does that refer also to the dependents?

The COLONIAL SECRETARY : No; it refers to "relief directly or indirectly to the workers only." Dependents are not workers or strikers. The difficulty which members foresaw whilst the Act was being considered was that whilst an award of the court could be enforced against employers, it was extremely difficult to enforce awards against employees. And that is a point to which I can assure

members the Government has given very serious consideration. In Clause 94 Parliament is invited to enact that—

> "If any person being a member of an industrial union commits a breach of an award or order of the court or of an industrial agreement, or commits a breach of the law against strikes, such person and the industrial union of which the person is a member shall be jointly and severally liable for all penalties and costs imposed therefor."

The unions may have funds, though sometimes they have no such funds; but it is held that the unions and union officials are often the instigators—if not always openly—of strikes; so it is sought to say whether the funds of a union should be liable:—

> "And if any industrial union commits any breach of the said offences, the industrial association or trades and labour council, as the case may be, with which the union is affiliated, shall be jointly liable with the union."

Recent events have, I think, shown the necessity for something being done, and it is extremely difficult to know what is best to be done to enforce awards in this respect against the employees; and this is put in to meet the difficulty in some respects. The foregoing are the chief alterations proposed to be made by the Bill. Several minor amendments will be explained, if necessary, when the Bill is in Committee which have been found necessary after five and a half years' working of the Act. I have not gone into the question of whether it is a good or bad thing to have compulsory arbitration. That principle has been settled, and this, as I said at the beginning, has lightened my task. I have not to convince the House on that point, and it has not been part of my duty to labour the question of the principles of compulsory arbitration. That has been settled in this country, and in most other countries. Although the principle of compulsory arbitration has not been altogether satisfactory in the past, still I do not think it advisable to repeal the Act until we have given it another trial. With the experience of the past it can be safely said that if better support be given by the public, the employers, and the employees, to the working of the Act, in that way only can we hope for success. When one considers the disastrous effects of a big industrial dispute, it behoves everyone to do what he can in the interests of industrial peace. I beg to move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): I propose making a few observations on this Bill. I certainly am not going to support it, and I am not going to give the Bill any opposition. I rise merely to make a protest against the continuation of legislation on the statute-book which has proved an absolute failure, and which must be a failure while it remains on the statute-book in its present form, or in the form proposed by the Government in this consolidating and amending measure. I venture to think it will continue to be the same farce it has been up to date. I was a staunch and strong advocate of the present Act and of the Act which preceded it, introduced by the Forrest Government years ago; for I was one of those who hoped and believed that the enactment of this legislation would mean an end to industrial war, and a long reign of industrial peace in the community. All those persons who entertained such hopes must admit now that the result of this legislation has not been as successful as they hoped. I well remember the Bill when brought forward years ago in the Legislative Council by Mr. Randell, then Colonial Secretary. Dealing then with the question of the principle of conciliation, I condemned that part of the Bill, and said we could never hope to get people to be conciliatory when they were at loggerheads. That part of the Bill has proved a failure. But little did I think that the working of the establishment of an Arbitration Court was going to be attended by the same results. That the Act has been absolutely a failure, everybody must admit. The hon. gentleman (the Colonial Secretary) in introducing this amending measure almost apologised for the continuance of the Act on the statute-book. That the Act has been

a failure of the worst description no one, I think, can deny. It is a peculiar kind of arbitration which, when awards are made in favour of the men, are rigidly observed, but when awards are against the men they are just as promptly disobeyed by them. It is perfectly correct that in dealing with an award which affects employers, against whom it is easily enforced because, as I have pointed out time after time, it is easy to attach the property of a master. An employer or a body of men who have put money into a particular industry are bound to obey an award of the court, and in the event of failure to do so the award is easily enforced against them, because the ordinary process of execution against a man's landed property or goods enables that award to be speedily enforced. But when dealing with a body of men the bulk of whom have no property that the ordinary process of execution can get at, you want a prison as big as a military barracks to deal with these men. And looking at the thing from a sensible standpoint that is impracticable. No one would urge that course for a moment in a court of law, or in the high court of Parliament, in order to enforce the awards of the court. Take the large body of men concerned in the late timber trouble, they could not be treated in such a way and herded together in a prison. The system of compulsory arbitration has had its trial in Western Australia for a certain number of years; practically it has been a dead-letter in South Australia; in New Zealand they have had this system, and, that country passing through a number of prosperous years, the awards generally have been in favour of the men, and the court, to that extent, has been a success. But the experience of the people of this State undoubtedly is that whenever an award has been given which is—I won't go so far as to say unjust—when after consideration of the evidence the tribunal has come to the conclusion that a certain amount is the correct wage and that certain conditions of labour should apply to a particular industry—whenever the men have been dissatisfied with the awards they have been disobeyed. And if legislation is to remain on our statute-book to be disobeyed like this, I think it proves conclusively what I say, that the Act has been a dismal failure; and to continue it on our statute-book simply means to continue in the future the farce it has been in the past. The Colonial Secretary tells us that some of the decisions have been flouted. That is quite true; we have only to refer to the recent timber dispute to prove that. I am not here to say the award in that case was correct or incorrect. It was an award of the court arrived at after a voluminous mass of evidence had been taken, and consideration given to that evidence; and the persons responsible for that award are far more competent than I am to express an opinion as to its justice. But there was an award; and it is frequently stated throughout the community that the better course for the men to have adopted would have been to go to work under the award, no matter how unjust, and have exercised the right later on of approaching the court again and showing the impossibility of working under the conditions laid down, and so obtaining an amendment of the award, as the Act provides. That was not done; and instead of that industrial peace in the community which we were led to believe would exist if legislation of this kind were placed on the statute-book, the barbaric method of a strike was resorted to. That barbaric method resulted in a strike lasting 14 or 15 weeks, a loss of £70,000 in wages, a £30,000 loss to the railways, and a loss of between £40,000 and £50,000 which would have been spent by Millars' Combine in the purchase of stores in connection with the various mills. This community, which was led to suppose that it would have industrial peace, had the object-lesson of hundreds of men out of work; a strike with all its severity and the rigour it imposes on the wives and children of those men; and a sum of money totalling some £150,000 kept out of circulation. The legislation put on our statute-book for the purpose of obviating this state of affairs has absolutely failed to do so. It is true that the decisions of the court were flouted,

and had it not been for public opinion that was brought to bear upon it, for the Government coming to the rescue by making reductions in railway rates, and the Combine giving to the men an increase on the award of the court, one of two alternatives would have arisen; either the trouble would be continuing to-day or the men would have been obliged to go to work as the result of the funds contributed to keep them from working having become exhausted. I am inclined to think this Bill is wrongly titled. It is called "A Bill for an Act to amend the law relating to the settlement of industrial disputes by conciliation and arbitration." One's experience leads one to the conclusion that the continuance of the present Act, or its reenactment in this amending Bill, would be more correctly entitled "A Bill to provide for increases of workmen's wages." That is the only effect that the Arbitration Act has had. On every occasion when an increase has been received it has been a most effectual and effective instrument in the hands of the workers; but when an industry cannot afford to pay the existing rate of wages, or give the men the existing conditions of labour and these are sought to be altered in the way which the men say will injuriously affect their position, the Act in the past has been an absolute failure, and is bound to continue so in future. The provisions of Clause 24 of the amending Bill certainly provide an improvement on the present legislation. The clause enables combinations of men, who are not members of unions, to bring into operation the provisions of this compulsory arbitration, and it prevents, to a certain extent, the domination by these trades unions of all persons employed in the various industries of the State. Of course my opinions are well known. I think it is a very serious thing indeed that the leaders of these trades unions should attempt for one moment, either to obtain the absolute control of the workmen, or that there should be given to the workmen of those unions any benefits persons outside the unions are unable to obtain. To that extent there is a slight improvement in the amending Bill. Although that may be so it is not a question of whether the men are within or outside these unions, as the great principle one has in view in putting legislation of this kind on the statute book is to endeavour to avoid industrial war in the community. Whether the provisions of this Bill can be brought into operation by resolution or by a ballot of members of a union, or the machinery be set in motion by one of these industrial combinations, which Clause 24 desires to obviate, the result is always the same. If the men are dissatisfied with the award I am afraid that this legislation will not be one iota better than the existing law. With regard to the constitution of the court, I cannot see the slightest advantage between what is proposed and what exists. The court at present consists of three members, a Judge of the Supreme Court and two laymen, one of whom is nominated by the workers and the other by the employers. These lay members of the court carry out their functions for a period of three years; but the proposal in the Bill is that, instead of being appointed for that period, they should be nominated merely to consider one dispute. I desire to say nothing about members of the present Arbitration Court; but the Hon. Mr. Pennefather and the Hon. Mr. Haynes will agree with me in this, that those who have had experience of arbitrations, not in industrial disputes but in business disputes generally, know that in 99 cases out of 100 arbitrators appointed by the respective sides are strong partisans, and the umpire appointed by them decides the dispute. I will speak strongly when the amendments to the Workers Compensation Act comes before this Chamber. I defy anyone to deny the statement that from the time this Act was put in the statute book in 1902 to the present time, the arbitrators in every dispute have been partisans, and that it has been left to the local court magistrate to decide the question at issue. I believe the continuation of these assessors, or the constitution of the Arbitration Court by a Judge and two laymen, is really useless.

In the Arbitration Court there is an independent man in the Judge; but there are two strong partisans sitting with him, one on each side, and it does not matter whether you appoint these partisans for a period of years or merely for the consideration of one dispute, they still remain partisans. You might just as well have these two men sitting on the floor of the court; one advocating the claims of the worker, and the other advocating those of the employer. They could then leave it to the judge to decide what should be done. We know perfectly well that anyone who consults the reports which the Government publish of the proceedings of the Arbitration Court—I speak subject to correction, but I think I am right—will find that on no occasion has there been a unanimous verdict, the judge giving his decision either with the workers' representative or with the employers' representative. In every case it is the judge's judgment. The present Bill is merely perpetuating the existing state of affairs. The Supreme Court judge under the Arbitration and Conciliation Act, the local court magistrates under the Workers' Compensation Act, and the ordinary umpire in an ordinary business arbitration, decide the disputes in 99 cases out of 100. In attempting to amend the Act and perpetuating that which has proved a farce in the past, we will not make the slightest improvement, for whether the members of the Arbitration Court are appointed to consider one dispute or to sit for three years the farce is perpetuated. I think that the proposed amendment is a mistake, for if we appoint men for three years they are to a large extent independent, as they are sure of tenure of office for that period, and are far more independent than those who have to sit and consider one particular case. The views of those who sit with the judge in the Arbitration Court are always well known and, although we realise that they are intended to do justice according to the evidence, we know as a matter of experience and fact that partisans are always appointed. [*Hon. J. W. Langsford* : Do assessors join in making an award ?] They do now. A judge will only give the award, but the assessors advise him. We know what that advice always is ; strong advice on the one side to give what the worker wants, and on the other to give what the employer desires. These men are nothing more than counsel for each side, and they should really appear on the floor of the court. Clause 4 opens up exceedingly debatable ground. There is a good deal in what the Colonial Secretary has said to the effect that we should prevent these industrial unions from utilising their funds for political purposes. On the other hand there is a good deal to say in the opposite direction. I may remind members that we have on the statute books the Trades Unions Act. This Act was passed in order to enable trades unions to exist as lawful bodies, for before the passing of the measure any number of persons combining to keep up wages were guilty of conspiracy, and were committing a serious breach of the criminal law. Therefore this Trades Unions Act was passed to enable these unions to exist. It has been held over and over again that in England it is a very proper proceeding for members of these unions, in order to achieve the object they have in view, to utilise their funds to put into the Imperial Parliament men imbued with their ideas. There is no compulsion in this country for men to belong to unions. According to the Bill we are now considering, that necessity is very much lessened by the fact that bodies of men will be able to get the benefits and advantages that this Bill aims at without registration as industrial unions. Therefore, while there may be some reason for preventing these bodies from utilising their funds for political purposes, there is a good deal to be said in another direction, and that is that men who are anxious and willing, without compulsion, to go into unions, and desire to allow these funds to be utilised for political purposes, should be permitted to do so. If I exercise my own personal desire, I would prevent these moneys from being so used; because there is no doubt that when we enact a measure with the object of trying to prevent industrial strife in the community, and when we

declare by this measure that the doing of a thing in the nature of a strike or lock-out is a criminal offence, there can be no doubt that owing to the use of funds for political purposes which are instrumental in putting men into Parliament who appear to be the foremost among those who instigate and aid the men in the doing of things in the nature of a strike, probably it is expedient to prevent the funds being utilised for this purpose. However, I must repeat, there is a good deal to be said on both sides. I only mention this for the reason that it shows the absolute impracticability of endeavouring to deal with a problem of this kind by legislation. It has absolutely failed in the past, and I cannot see that it will be any more successful in the future. You are dealing with large bodies of men, and while they have a considerable portion of public opinion at their backs, you may depend upon it that by all the legislation in the world you are not going to correct that which has been an injury to many bodies in Australia in the past, and is bound to be equally injurious in the future, because these strikes are going to continue. I thoroughly agree with the enactment of the provision preventing members of Parliament taking part in Arbitration Court proceedings, because we know perfectly well that members of Parliament in the past, and aspirants for political honours, have utilised the Arbitration Court for the purpose of making reputations ; and I believe a good deal of the discontent has been fomented in this way in connection with industrial strife. To that extent this Bill, if it replaces the present Industrial Conciliation and Arbitration Act, will be a slight improvement ; but it will only be the putting of another patch on that which is bound to be unworkable in the future. The provision for a ballot may be also regarded as an improvement ; but I am sure members will recognise that it is a very difficult thing when dealing with a large body of men, as for instance the men employed in the timber industry, to get anything like a satisfactory ballot under the conditions contained in Clauses 74 and 75 of this Bill.

The Colonial Secretary : Records can be made.

Hon. M. L. MOSS: The whole trouble, the whole secret of the failure of this legislation, is the inability up to date to enforce the awards ; and it was to that part of the Bill I turned my attention as soon as the Bill was circulated yesterday. Everybody must recognise that if we could get a means of enforcing the awards we certainly could improve this legislation, and go a long way towards solving the problem which Parliament has attempted in the past to solve, and which we are attempting to solve at the present time. The provisions with reference to the enforcement of awards are contained in Clauses 70 and 94. Clause 70, so far as I can see, does not pretend to be very much more than a re-enactment of the present provision. Clause 94 is certainly a new provision, but it is not going to help us along the road at all. You may depend upon it that these unions will have no funds that can be attached. If we were dealing with wealthy organisations such as they have in the United Kingdom, where stupendous sums of money have been gradually accumulated, we might be going a long way towards settling the whole of the trouble and difficulties I have alluded to. But it was for that very object, on account of this huge accumulation of money, that the unions in the old country have set their faces against the provision of compulsory arbitration. The unions in the old country, powerful in money and numbers, are perfectly satisfied to fight their battles with the weapon they have in this accumulated wealth, and not only in that but also in the accumulated power they possess in the hundreds of thousands of members of these unions. I am afraid, in fact I entertain no doubt, that if Clause 94 is the sole attempt the Government can put forward to deal with this difficult question, and while I wish to give them credit for having the courage to come to Parliament and make an attempt to improve this absolute and dismal failure up to date, I am afraid we are going to find in the future that this legislation is not going to give any better results than in the past. It would not

be becoming of me in my position to move "That the Bill be read this day six months," and I am not going to do so. I merely rose for the purpose of entering an emphatic protest against the continuation of this legislation on the statute-book. If I may express an opinion as to the fate of this Bill in another place, if it passes this Chamber, there is not much chance of its getting on to the statute-book. It certainly is, in my opinion, a deadly blow aimed at the existence of unions, because up to the present whatever benefits were to be obtained from the Act were intended to be given to members of unions only, whereas under this Bill those benefits are to be open to persons who are not members of unions. And there is also the additional provision which will preclude the possibility of the rules of these organisations in the future providing for the utilising of any portion of their funds for political purposes. I think, therefore, that the fate awaiting these proposals in another place does not augur well for the passage the Bill will have through that Chamber. And even if the Bill finds a place on the statute-book, I cannot see where any improvement will have been effected in this dismal, dead failure up to date. I can see nothing before us that is going to enable us to surmount the difficulties; and I think the Government would have been well advised either to have left the present statute alone, or to have brought in a Bill of one clause for its entire repeal. I believe that undoubtedly will be the result, if not now, at least in the immediate future. One word with regard to the clause which replaces Section 98 of the present Act. It was under Section 98 that the recent prosecutions were brought, and the re-enactment of that section is in Clause 76 of this Bill. I notice that in other parts of Australia, in fact in the Federal Parliament, an attempt is being made, or is proposed to be made, to cut out of the Federal Arbitation Act that part which provides for the penalising of persons taking part in a strike, or being concerned in a lockout, or contributing funds in aid of those on strike or of those participating in a lockout. I am afraid that if a similar attempt be made with regard to Clause 76 of this Bill, the only portion of the Bill that is of any avail at all, the only clause that enables the enforcement of the slightest obedience to the awards of the court, will in another place be seriously assailed. I do not propose during the passage of the Bill through Committee to take the slightest exception to it. I merely rose to give expression to my opinion, formed after carefully watching the operation of the Act for five or six years, that it is legislation that ought not to be on the statute-book, having been a dismal failure up to date and not likely to be any better in the future.

On the motion of the *Hon. J. W. Langsford,* debate adjourned.

ADJOURNMENT.

The House adjourned at ten minutes past 6 o'clock until the next Tuesday.

Legislative Assembly,

Thursday, 25th July, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION — RAILWAYS, OFFER TO LEASE.

Mr. WALKER (without notice) asked the Premier: 1, Has he received any offer to lease the railways on or since the 10th of this month? 2, Has he given any reply thereto?

The PREMIER replied: 1, Yes. 2, Yes.