serted in any other contract which might be brought before the House. He hoped that the whole of the proposed new clause would be included in the Bill.

Mr. T. L. BROWN: It was a matter for regret that the Premier opposed the proposed clause, and that a question of this description, which might mean so much to men who worked in all sorts of weather for a bare subsistence, should be dealt with in a spirit of levity. A defined line should be laid down for both employers and employees. Subletting and piece-work were two distinct questions, and they could not be looked upon, as had been suggested, as one and the same. A sub-contractor would always be placed in the position of making a very nice living at the expense of the men without any exertion on his part. The levity of the debate manifested the necessity for the inclusion of the subclause in every public works contract. If the proposed new clause were allowed to be struck out it would be very difficult on any future occasion to insert it in contracts that might be brought before the House. He hoped the Premier would withdraw his opposition.

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

Ayes	12
Noes	18
Majority against ..	6

AYES.	NOES.
Mr. Angwin	Mr. Barnett
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. H. Brown
Mr. T. L. Brown	Mr. Butcher
Mr. Collier	Mr. Davies
Mr. Holman	Mr. Gordon
Mr. Horan	Mr. Gregory
Mr. Scaddan	Mr. Hardwick
Mr. Troy	Mr. Hayward
Mr. Underwood	Mr. McLarty
Mr. Ware	Mr. Male
Mr. Taylor (*Teller*).	Mr. Mitchell
	Mr. N. J. Moore
	Mr. Piesse
	Mr. Price
	Mr. Stone
	Mr. Veryard
	Mr. Layman (*Teller*).

Question (new clause) thus negatived.

Schedule—Description of line of railway:

Mr. ANGWIN moved that progress be reported.

Motion negatived.

Schedule put and passed.

Title—agreed to.

Bill reported without amendment; report adopted.

ADJOURNMENT.

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

Legislative Council,

Wednesday, 21st August, 1907.

The PRESIDENT took the Chair at 4.30 o'clock.

Prayers.

QUESTION—TIMBER TESTS, OVERTIME.

Hon. J. T. GLOWREY (for Mr. Moss) asked the Colonial Secretary: Will the Government lay on the table all the papers connected with overtime worked in connection with the timber tests made by officers of the Railway Department?

The COLONIAL SECRETARY replied: Yes; if the hon. member will move for the papers the Government will offer no objection.

BILL—BANKERS' CHEQUES.

Second Reading.

Resumed from the previous day.

Hon. J. M. DREW (Central): Mr. Moss in his able speech convinced this

House that in view of the decision of the Privy Council in a case decided some time ago, it was absolutely necessary that some legislation should be enacted for the protection of bankers. After considering this Bill, I have come to the conclusion that with an amendment in the direction suggested by Mr. Moss in the course of his speech, this measure should satisfy all persons concerned, at any rate those who are reasonable and who are satisfied with a measure which is equitable to both parties. It must not be forgotten that the customers of bankers need protection equally with bankers; but while the effects of the circular issued some time ago by the banks of Western Australia remain, there is only protection for the bankers and none whatever for the customers, so far as I can see. That circular was to the effect that if any facility was afforded by the customer for the fraudulent alteration of a cheque, the banker would bear no respeonsibility, the customer would have to bear the burden of the responsibility if the bank cashed the cheque. It seems to me that is a very sweeping stipulation, "If the customer affords any facility." What does that mean, looking at it from a common-sense standpoint? Simply that if it is possible to effect an alteration so that the cheque may be cashed—and the fact that the cheque has been cashed, and that the bankers have not detected forgery, is sufficient to show that a facility has been afforded—in every instance the bank has cashed a cheque that has been forged in such a manner the banker can shelve the responsibility and the poor unfortunate customer must take the burden. The Bill protects boeh parties to a reasonable extent, and I think that is all the House should attempt. So long as the customer is protected and the banker is protected—and the bank will, I think, be fully protected if Mr. Moss moves the amendment he suggested—I think this Bill should become law. It is provided that the bankers shall give certain specific instructions to the customer to fill in his cheque. It is only fair that the banker should educate the customer how to fill in cheques so as to avoid forgery in the direction to which I have referred. To a certain extent at present the cheque book gives instructions; it simply states that the drawer of the cheque must fill it in as close to the left-hand margin as possible, but it could go even farther than that. I would suggest that the bankers should be obliged to supply a specimen form the customer should adopt in filling in his cheque. It could be inserted in the ordinary cheque book and would be more readily comprehended by the customer than any quantity of specific instructions. If the banks were simply used by commercial and business men there would, perhaps, not be so much necessity to adopt all these precautions, but it must be remembered that a large number of illiterate men are customers of the bank, and it is these people who are likely to suffer unless a measure of this description is adopted. With no intention to provide facilities for forgery these men will fill in cheques. The bankers have the right to say "We refuse to continue you as customers because of the manner in which you fill in cheques:" but having accepted them as customers, I think the bankers should be rendered liable if, through the illiteracy of the customer the cheque affords facilities for fraudulent alteration. It must be remembered also in this connection, that all employees of these banks may not be honest men. We have had proof of the fact in the past. There have been men sentenced to long terms of imprisonment for robbing the banks; there have been probably many cases in which prosecutions would have taken place had ample evidence been forthcoming; however, there is a general impression that a fair amount of theft has been carried on in connection with these banks to the detriment of the owners of the banks. If we have evidence that there are dishonest men in these banks I think we should safeguard the public against some of these characters perpetrating frauds from which the public will suffer. Nothing would be easier under the present system than for the man at the counter who cashes the cheques to alter a cheque for

£9 into a cheque for £90, and put the £81 in his own pocket. [*Hon J. W. Wright* : The cheque must first pass the ledger-keeper.] There may be a conspiracy if it has to go through the ledger-keeper, but in many cases it does not. I do not know the practice in Perth, but in the country districts if a man takes in a cheque and is considered to be sound financially by the man at the counter, the cheque is cashed at once. The man at the counter may alter the £9 to £90 as I said, and put the £81 in his pocket. Ultimately the directors would wish to know who cashed the cheque, and the man would simply say it was someone with a black hat and a light suit of clothes, and long whiskers perhaps, who came in and cashed the cheque; and there is an end to it. The poor unfortunate customer would have to suffer because it would be pleaded that facility was afforded for the fraudulent alteration of the cheque and that the cheque having been cashed showed there was a facility, the presumption being that no banker would cash a cheque which he considered to be a forgery. Of course we all know there is a Bill before the Federal Parliament, but I do not think we should wait until the Federal Parliament passes that measure. It is a matter of urgent importance. The community at present is bound by the circular issued some time ago. It may be said that the customers can refuse to accept the conditions imposed by that circular; but what the banker would do would be simply to tell the customer to withdraw his account; and then where would the customer take his account? Because there is a combination among the bankers; consequently the business community, the farmers or others, including perhaps many uneducated men, are obliged to continue patronising these banks under these conditions. I mention uneducated men because they are more likely to afford facilities unknowingly for fraudulent alteration of cheques. Those of us fortunate enough to have credit balances may wake up some morning to find ourselves bankrupt through some conspiracy. All I wish to say in conclusion is that I congratulate the Government on having the courage and wisdom to bring forward this measure. I do not say it is perfect; it seems to me, after the speech of Mr. Moss, that the Bill certainly needs some amendment in the interests of the banker in order to make it fair to both parties, and I think the hon. member did a valuable service to the House in the course of his speech in making the suggestion he did. I intend to support the second reading of the Bill.

Hon. G. BELLINGHAM (South) : I am advised that some twelve months ago after the decision of the Privy Council was known, the bankers of Perth for their own protection approached the Government and asked the Government to introduce a Bill of this nature, but they were told that the Government did not intend to introduce a measure and they could protect themselves, which they have done by the notice sent out to their customers and which several members have referred to here and read. I think that notice has met with approval right through the State. It is a contract; I do not think there has been any objection to it at all; but now the Government, without referring to the bankers, have brought down this Bill which will have the effect of making the present contract between the bankers and their clients absolutely worthless. They will have to go through a similar procedure again if this Bill, when passed and knocked into shape, is accepted; and considering that a Bill dealing with this matter will soon be passed by the Federal Parliament, we can very well put off the measure now before us. As drafted it is not at all applicable, and I think it highly advisable to wait for the passing of the Federal measure. In these circumstances I move an amendment—

That the word "now" be struck out, and "this day six months" be added to the motion.

The COLONIAL SECRETARY (in reply as mover) : I had not intended saying anything in answer to arguments against this Bill, having decided to agree

to Mr. Moss's suggestion, and that when the second reading was carried I would ask the House to refer the Bill to a select committee. I do not agree with the last speaker that there is no need for the Bill because a similar Bill is now before the Federal Parliament. That I mentioned when introducing this Bill, and said the Federal Bill did not quite meet the case, and moreover there was no certainty that the Federal Bill would pass. If it should pass, the Federal Act will of course prevail over the State Act. But the hon. member missed the important point that some time may elapse before the Federal Bill is passed, and meanwhile the customer has absolutely no protection. The bank notice I have read, which I maintain is not a fair notice, places the whole responsibility on the customer and entirely removes responsibility from the bank. The relations between banker and customer are purely contractual, therefore they can now make any conditions they like. Listening to Mr. Moss and others one would suppose that this Bill would restore the conditions existing when Marshall's case was heard. That is not so. I admit that the banks were quite right, after the decision in Marshall's case, in making some conditions. It was palpably unfair to the banks that no matter how a cheque might be altered the responsibility rested on the banker; but I should like to remind members, there is nothing to prevent the banks from issuing a farther notice, providing a condition of contract far more stringent than the present. There is no law to decide what conditions bankers may stipulate and what they may not stipulate. [*Hon. M. L. Moss*: The customer would not be bound to accept the conditions.] As Mr. Drew says and Mr. Moss knows well, the customer has no choice. The banks are associated; and if a customer says to one bank, "I will not accept the condition," the bank will say "Then take your money elsewhere"; and where can he take it? [*Hon. M. L. Moss*: The banks are not associated to reject accounts.] They are associated in this notice; and when they jointly agree to issue a notice, do you mean to say one of the associated banks will depart from that because one customer refuses to accept the notice? I believe some customers have refused to accept the notice, and the bank has in their case agreed to waive it. But members must recollect there are not many citizens in Western Australia in a position to say to a bank, "I will not accept this, and you will take my account on my own conditions." People in a position to talk like that are unfortunately few and far between in this State. It has been argued that the Bill does not cover the ground it was supposed to cover; that is to say, the Bill was intended to lay down clearly the conditions of the contract which a banker could make with a customer. It has been said by certain members that the Bill does not do this. If the second reading is passed I am quite willing to refer the Bill to a select committee, to have such points threshed out. Members admit it is only fair to pass a law compelling the banks to make a fair contract. We do not wish to compel the making of a contract unfair to the bank, nor do we wish the law to remain as at present, so that the bank may make a contract unfair to the customer. We wish to lay down the lines on which the contract shall be made, so that it cannot be departed from. I will ask the House to agree to the second reading, and will then move that the Bill be referred to a select committee so that doubtful points may be made clear.

Hon. W. MALEY (South-East): We have the opinion of a learned member that the Bill as now worded can hardly be redrafted in the form which several members would like it to assume. If so, it seems a pity that the Government should bring in what does not satisfy even the Colonial Secretary himself—a Bill which cannot be perfect in every part. If we are to bring in a Bill to serve such an important purpose, it should be perfect throughout; and if this Bill on being referred to a select committee cannot be made perfect, I think our only course is that proposed by Mr Bellingham — to pass the six-months amendment, so as to give the Government

n opportunity of bringing in a Bill 'hich will meet the views of bankers as 'ell as the public, and which will also ettle the question of the unclaimed balnces which may or may not have accuulated, and may or may not accumulate the future. Again, if as has been ated the Federal Government are now bout to pass another Bill dealing with ie same subject, there is a farther and ronger reason why the course I suggest ould be adopted, and why the time of ie House should not be wasted on this ill.

Hon. J. W. LANGSFORD (Metroolitan-Suburban) : I regret that Mr. faley has so little faith in select comittees appointed by the House that he oes not think a committee can bring in Bill that will meet the wishes of memers and be fair to both parties conerned. I think he in the first instance iggested that the Bill be referred to a elect committee. I do not know whether ie arguments used in the debate have ltered his opinion on that matter. *Hon. W. Maley* : The newspapers say I as against the second reading.] I did ot take a note of the hon. member's rearks, but I think he said yesterday he ould vote for the second reading with ie proviso that the Bill should go to a elect committee to have defects remeied. So far as I can ascertain the otices of which we have heard have not een issued by any banks in South Ausalia, Victoria, or New South Wales. asmania and Queensland, I believe, ork under their own Banking Acts. If r. Bellingham's amendment is carried, will have the effect of delaying this gislation for at least twelve months. If e second reading is carried and the Bill referred to a select committee, there ill probably be a delay of four or five eeks, when the fate of the Federal Bill ill be known. If the latter is passed, ere will be no need for the Bill now fore us. If the Federal Bill is lost, ere will be every need for placing on ir statute-book a measure fair alike to nker and customer.

Hon. R. W. PENNEFATHER North) : I should like to point out that on the 18th July last, in the Federal Senate, a Bill to effect the object intended by the measure now before us passed its second reading. If it has not by this time passed all its stages in the House of Representatives, it is I think about to pass ; for on the 18th July the Senate practically passed the measure through that Chamber, and according to the report it met with scarcely any objection, being accepted as a fair solution of the difficulty between banker and customer. I confess I cannot see why this Bill is now urged on the House, in view of the fact that when the Federal Bill is passed—and it may be passed any day —our Act will become so much waste paper, after all our trouble and perhaps after creating considerable disagreement. I could understand our referring this Bill to a select committee for amendment, if it was to be amended in some slight particular. But it must be so amended as to be practically and entirely a new gun : lock, stock and barrel will have to be new. Scarcely a section but will have to be replaced. Is it not a waste of time to try to patch such an article, when we can by waiting a few weeks have the article we want without any trouble at all ? I think it is only wasting time to appoint a select committee, and I hold that the measure should be rejected.

Amendment (six months) put, and a division taken with the following result :—

Ayes	..	..	11
Noes	..	..	8
Majority for		..	3

AYES.	NOES.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. J. T. Glowrey	Hon. J. M. Drew
Hon. V. Hamersley	Hon. J. W. Hackett
Hon. W. Kingsmill	Hon. J. W. Langsford
Hon. W. Maley	Hon. W. Patrick
Hon. M. L. Moss	Hon. C. A Piesse
Hon. W. Oats	Hon. G. Throssell
Hon. R. W. Pennefather	Hon. E. F. Sholl (*Teller*).
Hon. G. Randell	
Hon. J. W. Wright	
Hon. C. Sommers (*Teller*).	

Amendment thus passed, Bill negatived.

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION.

In Committee.

Resumed from the 13th August.

Clause 4 — What Societies may be registered:

Hon. J. T. GLOWREY moved an amendment—

That in line 5 of paragraph (a) of Subclause (1) the word "fifteen" be struck out and "twenty-five" inserted in lieu.

The COLONIAL SECRETARY: There was no great objection to the amendment. Under the present Act a union was a combination of 15 workers. Under the original Act two or more employers who wished to register must employ 50 men. The Bill reduced that number to 15, making it agree with the number of workers who could form a union. An industrial union of workers must consist of 15 persons and a majority could cite a case for the Arbitration Court. There was another provision, which was only a nominal one, that the society must obtain the consent of the executive body with which it was affiliated. Take as an instance the Stone Cutters' Union. They might have 15 members and after passing a resolution for an increase of wages the consent of the Trades Hall with which the society was affiliated had to be obtained. Later on in the Bill there were industrial combinations provided for which consisted of 25 members. That was to say 25 non-unionists could approach the court, and they would have to be unanimous on the point. The amendment would bring the number of union men into line with the number of non-union men who could cite a case.

Hon. G. RANDELL: Under the original Act an employers' union had to consist of two or more persons who had employed on an average 50 workers. Would the Colonial Secretary explain the provision?

The COLONIAL SECRETARY: That was the union of employers. The Bill brought the number down to the same level as the number which constituted a workers' union.

Hon. G. RANDELL: How would t clause operate? Could the Colonial S retary give some reason for the alte tion.

The COLONIAL SECRETARY Under the present Act before two more persons could form a union of e ployers and register they must employ an average during the preceding months 50 men. The Bill reduced th number to 15 to bring the provision in line with the number of workers w could form a society. If the amendme was carried two or more employers w had employed on an average 25 m could form a union.

Amendment put and passed.

Hon. J. T. GLOWREY moved a fa ther amendment—

That in line 2 of paragraph (b) Subclause (1) the word "fifteen" struck out and "twenty-five" inserted lieu.

This would bring the provision in li with the previous amendment.

Amendment put and passed.

Hon. J. M. DREW could not suppo this and many other clauses in the Bi but he recognised from the speeches members that opposition would be pu poseless. In the clause an attempt w made to prevent unions from spendi their funds for political purposes, and had been stated that the West Australia Goldfields Federated Industrial Union Workers had made use of their funds f political purposes. If members wou look at the rules of that body which h been supplied, they would find there w a rule that no funds should be intend for or devoted to any unlawful pu poses, or for the support or assistan of any person engaged in a strike lockout. The rules of the federatic distinctly stated that the funds could be used for any purposes except in t direction of assisting a strike or lockou There was an attempt in this clause deprive unions of this particular righ What was the object of that? One coul plainly see that by the passing of suc a clause there would be no farther r gistration of unions in connection wit the Conciliation and Arbitration Act, b there would be a wholesale withdraw

from registration. It would mean the end of conciliation and arbitration in Western Australia, and everyone must recognise the valuable effect of the Arbitration Act when put into practice. There had been no less than 60 awards given in the Court, and members were too inclined to judge the Act by the few isolated instances in which the measure scarcely gave the satisfaction hoped for. But he would admit there was no desire on the part of the federated union that it should have the power to spend funds for political purposes. That right was restricted to the branches and quite properly so. If a man became a member of a union knowing the conditions and realising that the funds might be used for political purposes, why should objection be taken to a provision allowing the money thus to be spent? It was the man's own lookout. One regretted that a policy measure of this description should be introduced in the Legislative Council.

The COLONIAL SECRETARY: The hon. member did not advance a very good argument in favour of his contention. He had said it was tacitly admitted by the unions that they should not spend their money for political purposes. [*Hon. J. M. Drew*: This remark only applied to the Federated Miners' Union.] The Federated Union was composed of 20 miners' unions that had become affiliated under the one name. On the 28th May of last year the rules of the Federated Union were registered. This was during the time the Labour Government were in power. The question was raised, and the registrar having read some English decisions and the report of a debate which took place in the Federal Parliament, came to the conclusion that he had wrongly registered some unions whose rules might imply that their funds could be used for political purposes. He decided that these unions were wrongly registered and consequently wrote to them, and they apparently accepted the position. The majority of unions did not believe in the funds being used for political purposes. In response to the communications sent out by the registrar, a number of replies were received. Some unions, however, failed to reply. About the time the present Government came into office the unions took a different stand altogether. The unions agreed to amend their rules, and the new set of rules drawn up by the Federated Union were registered in May, 1906. One of these rules stated "The funds shall not be used for any political purposes or for other than the maintenance of the government of the Federated Union according to the rules." That showed they thought it wrong to use the funds for political purposes. When the branches came to be registered it was found that for another reason also the rules could not be registered as they were not in accord with those which had been drawn up by the Federated Union to which they belonged. The Act provided that the rules of unions must be in accord with those of the body with which they were affiliated. The majority of trades unions did not desire their union funds to be used for political purposes. [*Hon. J. T. Glowrey*: They had a distinct political organisation.] It might appear a hardship to try and prevent these men from using their money for any purpose they thought fit; but he would point out a rule which showed the definite objects for which the money was collected. This rule stated that the objects of the Federated Union were to provide financial and other assistance to the relatives of members in case of death, etc. Would it be right to allow the unions to use those funds for political or for other purposes other than those set out in the rule he had read? In 1902, the Trades Unions Act and the Industrial Arbitration and Conciliation Act were passed legalising trades unions. Under the latter Act power was given to officers of trade unions to sue for fees. They were given power to sue for arrears of subscriptions unpaid for a period of two years altogether. The present Bill however, limited the period to 12 months, the alteration having been made because in one case a man left a union without getting an official clearance, and two and a-half years afterwards was sued for the arrears and had to pay up. The unions had the protec-

tion of the Act for industrial purposes. It had been said by an hon. member that when a man joined a union he knew what the rules were and that some of the funds were to be used for political purposes. The unions were formed some years ago, and when a workman came along to join the union—and he would be very foolish if he did not do so—he had either to join and accept the rules as they were, or else stand out from the union altogether. The unions would not alter their rules to suit him. If unions were now being formed for the first time it would be a different matter, for the whole question of how the funds were to be used could be gone into. At the present time it was a case of Hobson's choice. There was nothing to prevent the unions from forming a political organisation and putting forward a political platform. In that case anyone who wished could join it, and they would know from the outset that the money contributed would be used for political purposes. He could quite understand why the secretaries of most of the unions on the goldfields had sent in abusive letters about the Bill, saying that it was scandalous. They had enumerated certain sections of the Bill which they objected to, but they had evidently failed to appreciate the fact that the majority of those sections were in the existing law. Members from another Chamber had brought him letters on the same question, and he had found from them that one out of every three sections which were objected to were in the existing law, and that in the other cases there were but slight alterations. It had been suggested that a proviso should be inserted in the rules making payment for political purposes a voluntary matter. The unions called this a "conscience clause," so that anyone who did not wish to contribute funds for political purposes need not do so. [*Member*: Then they would be marked men.] Yes, they would be marked men if they did not contribute. There were 25 unions in this Federated Union, and there was no doubt that if a man was asked to make a contribution for political purposes and refused to do so, he would be marked for all time.

Hon. J. M. DREW: It was true that in connection with the management of the Federated Union there was a provision that no funds should be used for political purposes, but the Colonial Secretary must remember that the branches had a provision allowing this, and the members of those branches believed that they should be able to use their own money as they liked. The Colonial Secretary also pointed out that a large number of the unions had agreed to be registered with the political action proviso expunged from the rules; but evidently the hon. gentleman was not aware that the Boulder branch of the Miners' Federation, which had a membership of nearly 2,600, objected to such course being adopted. The Minister was correct in saying that during the time the Daglish Government were in power, the registrar refused to register the organisations; but he would surely not insinuate that it was the duty of the Government to compel the registrar to register. Now that legislation had been introduced one would have thought that the Government would have included a clause in that Bill, making it legal for the miners' unions who desired to use their funds for political purposes to do so. There was not the slightest doubt that if such a condition as was suggested in the Bill were imposed on the unions in Western Australia, there would be an end to the Arbitraton Act from a practical point of view. [*Hon. C. A. Piesse*: What good had it been?] There had been practically industrial peace since the Act came into operation. The number of exceptions to that rule was very small. As many as 60 awards had been given, and of these 54 had been accepted by both sides. Because of one or two isolated instances tending to show that the Act was defective, that was no reason why members should be anxious to see the Arbitration Act repealed, as it would be if the clause of the description of the one they were discussing was passed.

The COLONIAL SECRETARY moved as an amendment :—

That Subclause (6) *of Clause* 4 *be struck out, and the following inserted in lieu* : "*(a.) If the object or purpose of the society is to promote political interests; or—*"

This would make clear the intention that the clause was to apply to unions of employers equally with unions of employees.

Hon. R. W. PENNEFATHER : One of the objects of most unions was by political action to obtain better conditions for the workers, and it was difficult to decide where political action ended and industrial action commenced. The attempt on the part of the Government to divorce the two objects of unionism would result in paralysing the operation of the Act, as were the provisions to become law unions would refrain from registering, thus leaving it open to them to strike in case industrial strife arose. As he had said on the second reading the less coercive provisions included in the Bill the better for the smooth working of the Act, for once the "mailed fist" was shown the entire object of this class of legislation was defeated.

The COLONIAL SECRETARY : It was a mistake to assume that unions would refrain from registering because a provision of this nature appeared in the Bill. Of the 130 unions applying for registration up to December last, only 35 made any provision in their rules for devoting funds to political purposes, showing clearly that two-thirds of the existing unions did not desire to so devote funds. The 35 unions making such provision in their rules represented only 6,000 workers out of a total registered membership of unions of 16,000. Nor was there any danger that the absence of registration would confer the right to strike, as the law against strikes would still be operative. At present though not nearly the whole of the workers were members of unions, an award made in the case of a registered union fixed the rate of wages for all employees in the same industry, whether members of unions or not.

Hon. J. T. GLOWREY : If the contention of Mr. Pennefather that the unions would refrain form registering owing to this provision in the Bill were correct, it showed that the unions existed rather for political purposes than that they existed for the purpose of securing industrial advantages. To his own knowledge many of the workers objected to join the unions simply because they disagreed with the union funds being used for political purposes. No union would decline to take the benefit of the industrial advantages attainable under the Bill because of this provision against the use of funds for political purposes.

Hon J. W. LANGSFORD : The discussion showed the unwisdom of introducing such measures into a Chamber of review. The Federal Arbitration and Conciliation Act made no such restriction as this, and were we to circumscribe the unions to a greater degree than had been done by the Federal Parliament. Section 55 of the Federal Act merely restricted the right of unions to claim preferential treatment at the hands of the Court in respect to any award given by the Court under the Act. That being the position throughout the Commonwealth in respect of industrial legislation, was it wise to introduce here in a piecemeal fashion something entirely different ? His sympathies and his judgment were with Mr. Drew and Mr. Pennefather in their objections to the clause. The hon. member completely misunderstood his attitude. His objection was that this was an absolute interference with individual liberty. What was wrong about any person joining a political combination to effect a lawful object ?

The Colonial Secretary : Certainly nothing.

Hon. R. W. PENNEFATHER : Then why should that person be prevented from having that rule also incorporated in an industrial policy ? It was an unwarrantable interference with the liberty of the subject. If people chose to mix up industrial with political objects it was their look-out. The hon. member was wrong in pointing out that it was only about a third of these organisations who

desired this political freedom. The hon. member could not tell what actuated the minds of those people joining these organisations. Let the hon. member bar these people under these clauses, then the mere fact of their being prevented would force on them a different state of feeling altogether. Political action was lawful, industrial was lawful; therefore the combination of the two must also be lawful.

Hon. J. W. HACKETT, not having had the good fortune to be present during the debate on the second reading, wished to preface his remarks on this amendment by one or two general observations. As one having some experience both inside and outside his office of the working of the Conciliation and Arbitration Act, he believed those who held a good opinion of the work the Act had done were perfectly justified. The advantage to the community had been simply enormous. The very fact that the principle had been readily accepted in one of its earlier sessions by the Federal Parliament was proof sufficient. Money had been saved; friction of all kinds had been averted; and still more important, the community had looked to a legal and specific solution of questions in dispute rather than to the costly and inhuman arbitrament of a strike. The second point he desired to make was that it was more or less a mistake to introduce this measure in this House. Had the Bill been submitted in the first instance to the labour organisations we would have had a large amount of material to go on; but as it stood now, the Bill had not been so submitted and was brought down to a Chamber which unfortunately contained no Labour men; he did not exclude the Hon. J. A. Thomson. [*Hon. J. A. Thomson*: On this matter he had not been consulted.] The hon. member confessed that though a Labour member he was useless so far as this was concerned. If the Bill, as one hoped, passed this House, many members might feel inclined to reverse their votes in view of farther information, and of the declaration of the prejudice or otherwise on the part of those entitled to speak in another place on behalf of the labour organisations of the State. That being so, he approached the question with great diffidence. Quite possibly the attitude of the Colonial Secretary would be that adopted by the labour organisations. On the other hand, labour organisations might object to several of the vital points of the Bill. That a workable measure could be made of it he had no doubt, and on most of the main points he was ready to give his warm support, but it was a matter on which it was of greatest importance to have the enlightenment of the views and prejudices of one-half of the community. The Act contained tremendous powers of compulsion. It was introduced in a large degree to save the expense of strikes, and it had done so to an enormous extent. Scores of disputes had been settled which would have run perhaps for months, entailing enormous cost on the men, women and children, and on the community at large. The Act had saved the unions an immense amount of money, which would otherwise have been required for industrial strikes, and that money was now available in the hands of these labour bodies for improving the condition of the members of those bodies, for public or private purposes, but also and undoubtedly for use in political campaigns. The labour organisations would strongly object to any action forbidding their using their funds for an object which they believed to be legitimate and, what was more important, essential to their interests. The Arbitration Act had acted as a lever—and this opened up another most important aspect of the question—for forcing workers of all classes and all kinds into unions. When the Dividend Duty Bill was under consideration people were astonished at the fact that only those who drew incomes from joint stock companies were to be visited by the income tax of one shilling in the pound; but they were told that they paid for the advantages of the Bill, that the joint stock associations were so beneficial, represented such a forward step, that they were entitled to be separated from the rest of the community and taxed separately so long as they paid dividends.

The same argument might be applied to the Arbitration Court. Its advantages were so great, it was so much to the interests of the unions that they should make use of it, that the individual worker saw at once, if he would be one of those benefiting by the provisions of the Arbitration Act, that as a matter of course he had to join a union. It was pleasing to see the Colonial Secretary was introducing a clause dealing with industrial combinations, a clause very much needed; but dealing solely with associations of workers and employees duly registered as industrial unions, there was no doubt the Act would have been impossible, would never have occurred to the original framers in New Zealand, unless they got over the initial difficulty of securing an award in any particular trade that would be in accordance with the views of that particular trade. It was impossible to deal with single workers; they could only deal with unions. The single workman asking for a rule in regard to hours and rate of wages could not of course be listened to; the courts would get congested with business and perhaps would not get through a single case in a year. It followed that the workers were forced into unions if they were to get the full benefit of the Act, and it represented an intolerable state of things that a man should be compelled to enter a union to get the benefit of the Arbitration Act, while at the same time in going into this union he was compelled to declare himself on one political side or the other. Then came the larger question as to the mode in which the hon. member proposed to meet the difficulty. The Colonial Secretary said he was satisfied it was a practical one and one which the organisations would accept; but who was there in this Chamber to speak on behalf of the labour organisations? If the political character of these organisations could be divorced from the industrial character the whole difficulty was got over, but unless the hon. member had a scheme which was accepted by the workers' unions the clause was so much wasted. If the hon. member could get a scheme by which a man could preserve his political freedom, while being a member of the union, a scheme which would commend itself to both employers and employees, he would have done service of unparalleled character in the working of the Act. [*Hon. C. J. Piesse*: It was impossible.] It might be; nevertheless it was to be hoped the hon. member would not get discouraged by the result of this debate, but would feel about for some way in which a man could retain his political identity and at the same time get the benefit of this great industrial boon through the Bill. If compulsory arbitration was to break down, it would be because no perfectly satisfactory way had yet been found for enforcing awards of the court. Every State in Australia had tried its hand on this kind of legislation. The result of experience in this State, as elsewhere, was that every man who had the good of the community at heart, and especially the welfare of the masses, would gladly assist the Government in discovering some satisfactory way that would be at once equitable and permanent for enforcing awards made by the Arbitration Court. With regard to the clause under discussion, he was disposed to give the Colonial Secretary all the assistance he could in passing the measure; always believing that we were sending it to the true Chamber of review in this case, the Legislative Assembly; and we might await the arguments and the fresh light which would probably be thrown on the question while the Bill was under discussion in that other Chamber. While aggreeing to this extent, he would retain the right of his final vote on the Bill when he saw the shape in which it would come back as revised in another place; and in the meantime he would support the Colonial Secretary as far as the Bill proposed to go.

The COLONIAL SECRETARY: The reasons for introducing the Bill first in this Chamber had been already explained. He could again assure the House that he would not have introduced it first in this Chamber if he had expected there would be any opposition to that course on the part of members of the Council. The principle of the Bill had been already agreed to as embodied in the existing Act,

and there were only a few amendments proposed in the Bill. There was a good deal in the contention of Dr. Hackett that there was no direct representative of the other party in this Chamber, no pronounced representative. A suggestion had been made which he thought a good one, that the Bill should be allowed to go through now practically without farther debate, hon. members reserving their judgment, as Dr. Hackett had suggested, until they saw the final shape the Bill might take when returned from the other Chamber. He knew the desire of members in this House was to do a fair thing as between the two sides concerned in this question; and as he was not here to advocate either side, he welcomed the suggestion as to reserving judgment on the measure until we heard the case of the workers put forward by their direct representatives in another place. This would be practically allowing the Bill to go through without farther debate, and suspending judgment till we heard the other side. One word more in explanation. A good deal of exception had been taken in this House and outside to the new provision for prohibiting the registration of unions which, under their rules, applied portion of their funds to political purposes. The fact was that the Registrar had refused some two years ago to register certain unions, because he maintained that it was illegal for the rules of trade unions to provide for the expenditure of portion of their funds for political purposes. When he (the Colonial Secretary) took office and had to deal with this question, he realised that there was a doubt about it; and instead of exercising his full power by cancelling the registration of those 35 unions which had been already registered, he was now endeavouring to make it clear in the provisions of this Bill as to what should be required in such cases, and Parliament was now invited to say whether industrial unions which provided for the expenditure of portion of their funds for political purposes should be registered under the Arbitration Act, or should not.

Hon. G. RANDELL recognised that a crucial point in the Bill had been reached. He was to some extent in accord with the provision in the Bill as to the condition for registering industrial unions. When the Conciliation and Arbitration Act was passed, he was one of those who expected much good would result from compulsory arbitration, and believed that the principle should be acceptable to all parties concerned. That Act provided the machinery for making awards, a Supreme Court Judge and two assessors taking part in each case; and it was the expectation of the Legislature in passing the first Arbitration Bill, that both parties concerned would recognise their duty to submit to the decisions of the court. A Judge who was not an interested party, acting practically as umpire, was assisted by two assessors in arriving at a right decision. The Arbitration Act did not prohibit in express words the expenditure of trade union funds for political purposes; but he thought the Registrar was acting justly and within his rights in refusing to register unions whose rules contained any provisions for that purpose. There was no reason why industrial and political objects should be combined together. The object of this legislation was to promote industrial peace, and it should not go in the direction of providing that union funds might be expended for political purposes. He did not see any hardship in prohibiting industrial unions or industrial associations from expending their funds for political purposes, and this would apply alike to associations of employers and employees. As to the expediency of legislating in regard to the expenditure of the funds of trade unions, that raised a question as to the expediency of introducing the the Bill first in this House, which practically represented property, and was regarded by some persons as being to some extent hostile to the workers of the State, though his own opinion was that there was no such desire on the part of members of this House. As this House had now to deal with the Bill, it should be dealt with carefully and equitably. He did not agree that members of this House should neglect their duty in dealing with the measure, merely be-

cause some objection might be urged against its introduction in the first instance in this House. The Trades Unions Act prohibited unions from making rules that would interfere with public policy. In doing so, that Act did not say in so many words that trade unions should not expend funds for political purposes; but that restriction was an indication of what was intended by those who framed the Act, and by the Legislature in passing it. We had to look now to the practicability of the amendments it was proposed to make in the Arbitration Act, as to whether they would be accepted by the large body of workers, or would not. We should try to promote the workers' ideal of what was called a living wage, by their combinations exercising an influence to that end. While he thought the workers had, in some cases, been misled in the past, while they had been badly and inefficiently led on many occasions, but for which there would not be the bad feeling which had been engendered—[*Dr. Hackett*: On both sides]—on both sides, yet seeing that the difference between the two positions was so great, and that even the Supreme Court the other day found itself practically paralysed in regard to a breach of the law by workers in the timber industry, it became necessary to pass some amending legislation.

At 6.15, *the Chairman* left the Chair.
At 7.30, Chair resumed.

Hon. G. RANDELL (continuing): Already he had indicated the difficulties which presented themselves to his mind, and members should dispassionately consider the position before arriving at a decision. The Colonial Secretary had said this was not a party measure, and with that remark he concurred. He (Mr. Randell) did not know what the definition of "political action" would be, but he took it that political action in this case meant for party purposes, one side or the other; and if that were so, was Parliament justified in embodying in a Bill of this kind liberty to deal with political questions? Political action was something very different from what was mentioned in the rules of the Goldfields Federation of Workers, which was the executive body of many associations. The object of the federation, according to paragraph (c) of the rules, was to secure the betterment of mining by legislative enactment. That was certainly not political action; it was a legitimate exercise of the powers of the union by right and proper means to secure the objects they had in view. But according to paragraph (e), that had been interpreted to mean that a union might undertake political action; which did not seem to be borne out by the rules, which said that no part of the funds could be spent in assisting any person engaged in a strike or a lockout. There were two other phases to which reference had been made. One was in regard to financial matters referred to on page 15 of the rules; and rule 16 divided up the funds received from branches in the proportion of 25 per cent. of the income of a union. The revenue was divided into three funds, a funeral, accident and general fund 48 per cent., a management fund 32 per cent., and a workers' fund 30 per cent. So members would see that the whole of the money was absorbed under these three heads, and there was no chance of any money being voted for political purposes if there was a desire to do so. Rule 28 of the federation said that no part of the funds or property of the federation should be applied for the purposes of aiding or assisting any person engaged in a strike or lock-out within the State of Western Australia, and rule 42 said that any industrial dispute in which members were concerned should be settled by mutual consent, or under the Conciliation and Arbitration Act. These rules did not provide for the spending of the funds for political action. Members would find a very different state of affairs in regard to the Boulder branch which was composed of 2,600 miners; for in the latter part of rule 31 it provided that the object was to obtain by political action better conditions for the workers. That was very distinct. But rule 61 provided that if any member of the branch did not desire to contribute to levies for political purposes he could

be exempt from doing so provided a written notice was sent to the secretary before the levy was made. Already he (Mr. Randell) had indicated that he did not think political action should find a place in a Conciliation and Arbitration Act, for there could not be a partisan arrangement. If the workers were allowed to establish political funds under the Industrial Conciliation and Arbitration Bill, then it would be a mistake. He did not wish to prevent unions taking political action outside the Bill, and he did not think either branch of the Legislature would deprive any member of a union from his political rights as a citizen of the State. He did not think unions had any cause for complaint if this provision were to remain within the four corners of the Bill. At the same time he had strong doubts of the expediency of adopting the clause, and anyone approaching the subject from a dispassionate standpoint must consider what possibly might happen. He would have preferred the matter to remain as it was; but the Colonial Secretary had pointed out that the object of the clause was to make clear what was considered to be the law at the present moment, and the registrar on these grounds had refused to register some organisations. The difficulty we all felt in the matter was the impossibility of compelling unions to register under the Bill with this clause in it, and then what would follow? They would remain unions to a considerable extent and they would exhibit their power in a way which had proved disastrous to this country; that was by striking when a dispute took place between the workers and the employers. If no intermediary came between the two parties, and unless the men had the good sense and the employers had the good sense to elect, as was done the other day in the timber trouble, disinterested persons of experience whom they could trust to settle the matter, then a disastrous state of affairs would happen. Looking the matter in the face and seeing the result which might take place and seeing that societies had already passed resolutions that they would not work under the Act if this clause was contained in the Bill, although the Colonial Secretary had ventured the opinion that they would not do anything of the kind, it was probable they would do so, and we would have to face the trouble. He felt a great difficulty in giving a vote on this occasion, and he wished to assist the Government all he could. Seeing that he desired to obtain light on this question, if Mr. Drew who was, he believed, a representative of the Labour party——

Hon. J. M. Drew: No.

Hon. G. RANDELL: We had always understood so.

Hon. J. W. Hackett: Oh, no.

Hon. G. RANDELL: The hon. member took office under the Labour Ministry, and members had understood he was the spokesman in this House on questions like this. The hon. member might indicate the way in which he would like to see the clause amended. The hon. member (Mr. Drew) had come to the conclusion, somewhat hastily, that this House was opposed to labour questions, and was disposed to make the law pretty hard and fast to compel the workers to submit to arbitration; but he (Mr. Randell) hoped to approach the subject in a different spirit, and if the hon. member could hint or propose an amendment that would amend the clause from his point of view, he would be glad to consider it. He would be glad to see any way of making the Bill more acceptable to the labour unions without sacrificing any of the principles that were necessary for industrial peace.

Hon. C. SOMMERS: On the second reading he had expressed the opinion that if we passed the Bill it would not do much good, and he was still of that opinion. It appeared to him that as long as an award was in favour of the workers they adopted it; but when it did not suit them they reverted to the strike. It was a case of, "heads I win, tails you lose." Mr. Drew had said that out of some 60 awards dealt with since the Conciliation and Arbitration Act was passed, in 55 the workers had adopted the awards of the court, and in the other cases they had protested against them strongly.

Hon. J. M. Drew (in explanation): Nothing of the kind was said. He did not mention the workers or the employers. He had stated that there were 60 awards given, and in about 54 of those awards complete satisfaction was given to both sides. He had never made reference to workers or employers.

Mr. SOMMERS did not wish to contradict that. However, in 54 of those cases awards were satisfactory to both parties, which meant that in all of them there were increases in wages and lessening of hours. In the cases in which the awards were unsatisfactory one party to the dispute went on strike so that we were no better off than before the passing of the Arbitration Act. Members should endeavour to make the Bill as fair as possible to both sides, on the assumption that each party to the dispute would be willing to abide by the award. On that assumption only he would be glad to assist the Government in getting a measure suitable to both sides. Members of the unions were compelled to contribute to the funds for political purposes, and it often happened that a candidate was selected with whom some were not in sympathy. Such a case occurred recently, but at the same time many unionists were using their private means and influence to secure the election of a candidate who was opposed to the union's nominee. The question of using the funds for political purposes should have no place in the Bill, and the amendment moved by the Colonial Secretary should be carried. Members of the House had no desire whatever to interfere with the freedom of anyone in the State. The unionists could form their political unions outside of the industrial bodies. There were the Political Labour Party and the National Political League, and definite political unions of that character could be formed *without* interfering with the industrial unions. He protested against a body of men being compelled to provide funds for political purposes whether they liked it or not. Under the rules the officers of the unions could take men to court and sue them if they did not pay up the levies; that was a very wrong principle. He did not care for the threats which had been made by certain officers of the unions as to what would happen in the event of the Bill passing as it stood. Possibly these threats were made without due consideration being paid to the question, but in any event members must not regard such threats at all. All they had to do was to act as they thought best regardless of what would happen in another place. If after the Bill had been considered in another place it was returned here with certain alterations, then it would be for members to consider whether they could agree to those amendments or not.

Hon. J. M. DREW: There were two classes of the community concerned in the clause under discussion—the Labour Party and the employer. It had been stated that there was only one representative of the Labour Party in the Chamber and that was himself. He denied that he was more a representative of the Labour Party or the capitalist than any other member. If, however, there was only one member of the Labour Party in the Chamber, that only went to show that the Bill should not have been introduced first in the Legislative Council; it should have gone to another place where there were direct representatives of both parties. He represented, he hoped, his constituents as a whole. He intended to move no amendment to the clause but merely proposed to vote against it, and to call for a division so that the country might see what hon. members thought of the suggestion.

Hon. J. A. THOMSON: As the question would be brought to a division, and he had no desire to give a silent vote upon it, he would inform members of his opinions with regard to the clause. He regretted with other hon. members that a measure of that description had been introduced to a House where there were so very few, if any, members who understood anything about unionism and the desires and aspirations of the people composing the unions. Although he was in entire sympathy with the Labour Party and their aspirations he knew nothing about unions, their organisations, or their mode of procedure. Therefore he would be but a poor advo-

cate in the Legislative Council unless he had been specially educated to speak on behalf of the unions. He was not in a position to do that, but he could voice an individual opinion with regard to the amendment. He did not believe it was fair and just to legislate in the direction suggested. The Bill stated distinctly what societies might be registered, but the clause as amended set out that a society should not be registered if its object or purpose was to promote political interests, or if the rules of the society contained any provision which permitted, sanctioned, or authorised the application of any part of its funds for political purposes. His reason for opposing the amendment was that he did not believe they had any right to dictate to the unions of the State in any way how they should spend the funds they had at their disposal. Hon. members had stated that a certain proportion of the members of the unions had been objecting strongly to the use the executive had been making of the funds at their disposal and part of which had been contributed by them. He had heard of no such complaints in the course of his travels through the State, and although perhaps he did not take the interest he should do, considering his political leanings, in the working of the unions, he mixed with a certain number of people who were intimately connected with the unions and he had never heard from them one word in the direction indicated. He was entirely opposed to the Bill as it stood, and especially to the clause under discussion as it would interfere with the liberty of the subject. Nearly every member of the House had protested when the matter under discussion was aimed at their side against the liberty of the subject being interfered with in any respect. Why therefore would they not allow the unions to have liberty in this particular direction? It was for members of unions themselves to say how the money, belonging to the unions, should be disposed of, whether in a political or any other manner, and if such workers desired to remain with the unions then they must submit to the ruling of the majority. He would vote against the clause altogether.

Hon. J. W. LANGSFORD asked the Colonial Secretary to inform him whether it would not be possible to apply to the Bill the sections of the Commonwealth Act in regard to the question under discussion.

Hon. J. W. Hackett: That would be impossible.

The COLONIAL SECRETARY: The hon. member desired to know whether the Government would be prepared to bring the clause into line with that of the Commonwealth Act. To do so there would be a necessity to embody the question which was fought so bitterly there—preference to unionists. When the Bill was before the Federal Parliament there was a compromise on the question; the same clause as in this Bill was in their measure, and they said they would allow it to remain there so long as there was preference to unionists. How could our Bill be brought into line with the Commonwealth Act without giving preference to unionists? There was not a member in the House, he thought, who would be willing to swallow preference to unionists. The present Bill applied not only to unionists but to every worker. The Federal members laid it down distinctly that any union which used their funds for political purposes should not be granted preference to their members. The hon. member appeared to think a good deal of the Federal Act, but if he turned to it he would find sections there that would be strongly opposed were they inserted in the present Bill. For instance there were sections which laid it down that before they could be heard in Court the unions should put up a considerable bond—either £500 or £700—as a guarantee that the award would be carried out. If the Government had tried to insert a clause of that kind in the Bill there would have been a howl from one end of the country to the other. Referring to the particular clause under discussion, it had been said and rightly said that the Bill was enacted in the interests of industrial peace. Hon. members must surely realise that when once

politics were mixed up with those unions there would be an end to industrial peace. He felt this strongly, and that was one of the chief reasons why he objected to the funds being used for political purposes. The voice that was heard from the country was not the voice of the bulk of the men, but merely that of certain executive officers of large unions, who were acting in this manner for their own political ends. It was to their interests politically to adopt such a course, for they would never be heard of if they were not the secretaries or the presidents of these unions. He said that without hesitation. Was it not better that those men engaged in the interests of industrial peace should be away from political matters? They should calmly consider industrial matters and not try and promote themselves to political positions on the shoulders of the unions. The clause was not more restrictive of the liberty of the subject than was the existing Act, which compelled the subject to accept compulsory arbitration. Friendly-society members were prevented from using their funds for political purposes; industrial union members would be similarly prevented, but they could establish political associations.

Hon. R. F. SHOLL: Some members said the Government had no right to prevent the expenditure of union funds for political purposes. According to the annual report of the Registrar of Trades Unions, in 1905 the number of unions was 76, number of members 11,336, entrance fees, contributions, and levies £19,880, interest and rent £700, other receipts £5,888; total £26,528. The expenditure was—relief, sickness, accident and out-of-work pay, £5,104; death claims, £1,933; management expenses, not enumerated, £10,069; other expenditure unaccounted for, £7,335. Union members who subscribed with a view to relief in time of distress found their money frittered away in expenses not accounted for. Surely this was a sufficient reason for preventing union leaders from thus using the funds of their unfortunate dupes. The original Act having been passed while he was not in Parliament, he had neither studied it nor the Bill; but it was clear this amending Bill ought not to have been introduced here but in another place, where it could have been properly discussed by friends and opponents, and the discussion calmly reviewed here on a subsequent date. If we passed the Bill, the Government, having a majority elsewhere, could make it law. There was no Government majority here; hence this House should have been used as a Chamber of review.

Hon. J. A. THOMSON: Mr. Sholl held that we should protect members of unions whose funds were frittered away in expenses of management. In this State, he believed one industrial insurance society showed expenses totalling 77 per cent. of the income. Should we legislate to protect the poor unfortunate dupes who made those contributions? We had as much right to do so as to prevent unionists from contributing funds for any purposes they thought fit.

Hon. J. M. DREW: Of the expenditure quoted by Mr. Sholl, the largest item was £10,000 for expenses of management. By rule 20 of the W.A. Goldfields Industrial Union, the management fund must not be used for any political purpose. Besides, £5,104 was spent in relief, sickness, and accident, and out-of-work pay, while death claims amounted to £1,933.

Hon. R. F. Sholl: We did not know that the £10,000 was not spent for political purposes.

Hon. J. M. DREW: The rules provided that it should not be. Mr. Sholl had not made out his case. How the money was spent was immaterial to individuals none of whom contributed to the funds. These were provided by union members, who should be allowed to control their expenditure.

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

Ayes	11
Noes	3
Majority for	8

AYES.	NOES.
Hon. H. Briggs	Hon. J. M. Drew
Hon. J. D. Connolly	Hon. J. W. Langsford
Hon. J. T. Glowrey	Hon. J. A. Thomson
Hon. V. Hamersley	(*Teller*).
Hon. E. McLarty	
Hon. W. Oats	
Hon. C. A. Piesse	
Hon. G. Randell	
Hon. R. F. Sholl	
Hon. J. W. Wright	
Hon. C. Sommers	
(*Teller*).	

Amendment thus passed.

Hon. G. RANDELL: In the last paragraph of the clause, it was provided that rules must be brought by the unions into conformity with this proviso within 30 days after being so required by the registrar. The time was too short. He moved an amendment—

That the word "thirty" be struck out, and the words "forty-two" inserted in lieu.

The COLONIAL SECRETARY: It was necessary to provide some period. There was no objection to the amendment.

Amendment passed; clause as amended agreed to.

Clauses 5 to 8—agreed to.

Clause 9—Special provisions as to registering societies of employers:

On motion by *the Colonial Secretary*, the word "fifteen" in line 8 of Subclause 2 was struck out consequentially, and the words "twenty-five" inserted in lieu.

Clauses 10 to 22—agreed to.

Clause 23—Provisions affecting unions applicable:

The COLONIAL SECRETARY: The concluding words of the clause were:—

> "Provided that no industrial association or trades and labour council shall be entitled to nominate a member of the court."

The last words were inserted in error. He moved an amendment—

That the words "nominate a member of the court" be struck out, and "appoint an assessor" be inserted in lieu.

Amendment passed; clause as amended agreed to.

Clauses 24 to 29—agreed to.

Clause 30—Duplicate to be registered:

Hon. G. RANDELL: The clause provided that a duplicate of every industrial agreement must be lodged with the registrar and be registered by him. Under the old Act this work was done by the clerk. It was questionable whether it could be done so easily by the registrar.

The COLONIAL SECRETARY: Under the Act the work was done by the clerk of awards; but no clerk of awards was provided for in this Bill because there was no board provided for.

Question passed.

Clause 31—agreed to.

Clause 32—amended by correcting a clerical error.

Clauses 33 to 39—agreed to.

Clause 40—Powers of President:

Hon. J. W. LANGSFORD: The clause included:—

> "Provided that the President may, if he thinks fit, direct assessors to be appointed for the hearing and determination of any application to the court."

Would this conflict with Clause 38 which provided for the appointment of assessors? Was it left to the determination of the President whether these assessors should be appointed to help him?

The COLONIAL SECRETARY: Both parties to the dispute had the right to appoint assessors.

Question passed.

Clause 41—Procedure on appointment of assessors:

On motion by *the Colonial Secretary*, clause amended by striking out the words, "or if the parties whose interests are with the employers or workers respectively fail to agree in the appointment of assessors."

Clause 42—Payment of assessors—amended consequentially.

Clauses 43 to 49—agreed to.

Clause 50—Procedure for reference of industrial disputes to Court—amended by adding the words, "or any person qualified to practise as a legal practitioner in the Supreme Court of any State of the Commonwealth."

Clause 51—President to be notified when dispute referred—amended verbally.

Clauses 52 to 56—agreed to.

Clause 57—Matters may be referred for investigation—amended verbally.

Clauses 58 to 61—agreed to.

Clause 62—Terms of award:

The COLONIAL SECRETARY (replying to Mr. Randell): As to apprentices, there was a clause in the Bill which raised the age of a worker from 16 years to 18 years; and the Bill farther extended the powers of the Court to fix the wages for young workers and old men.

Hon. J. W. HACKETT: Under Clause 6, any employer could ask the Court to extend an award so as to include any person, and this could be done without notice, whether such person belonged to the union or not. [*The Minister*: That was the present law.] But reference had been made by Federal members to the fact that under the State law awards could be extended on an *ex parte* application, which was not proper.

The COLONIAL SECRETARY: Past experience showed that where a case was cited, the award in which was likely to be extended to similar industries outside the particular dispute, those interested in such outside industries were always willing to give evidence, thereby protecting themselves. For instance, if a case were cited by a miners' union at Kalgoorlie, the employers, knowing the award would affect the whole of that industrial district, were found willing to give evidence, and they thus, as it were, made themselves parties to the dispute. This practice meant that one case frequently sufficed where otherwise several cases might have to be heard.

Hon. J. W. Hackett: But was it right that persons should be saddled with an award without having had a right to be heard on the point?

The COLONIAL SECRETARY: Under this amending Bill, the court would have power to call outside evidence, and so be in a better position to satisfy itself whether an award should be applied to an entire district or only to a particular combination or union. It was difficult to provide in the Bill on what lines the court was to satisfy itself on the point. He moved an amendment—

That in line 4 of Subclause 6, the word "to" be struck out and "in" inserted in lieu; also that the word "operations" be struck out and "operation" inserted in lieu.

Amendments passed; clause as amended agreed to.

Clauses 63, 64—agreed to.

Clause 65—Proceedings not to be impeached for want of form—amended by inserting after "eighty-nine" the words, "or rule of court" in line 5.

Clauses 66, 67, 68—agreed to.

Clause 69—Award under seal to be evidence—amended by inserting in line 1, after "sufficient," the words "evidence of the award."

Clause 70—Provisions for enforcing awards—amended in Subclause 6 by striking out the words "or by the corporation," also in Subclause 7 by striking out the words "the corporation."

Clauses 71, 72, 73—agreed to.

Clause 74—References to Court to be approved by resolution of union:

Hon. G. RANDELL: In Subclause 1 the words "or the *bona fide* members of the union" appeared. The phrase was new, and this was looked on as a very harsh amendment.

The COLONIAL SECRETARY: The court had often complained that it was not satisfied that a majority of the union agreed to cite a case; and in more than one instance the court had been on the point of refusing to hear a case on this ground.

Question passed.

Clause 75—agreed to.

Clause 76—Prohibition of strikes and lockouts:

The COLONIAL SECRETARY moved that the following be added to Subclause 3:—

Provided also that nothing in this section shall prohibit any person from contributing in money or in kind to any fund bona fide organised for the relief of aged or infirm persons, or women or children who may be reduced to necessitous circumstances, in consequence of any lockout or strike.

It was an offence to contribute to the strikers and not to anyone dependent on strikers; but this would make the law clearer.

Amendment passed; clause as amended agreed to.

Clauses 77 to 83—agreed to.

Clause 84—Board of Conciliation :

Hon. J. W. HACKETT : This was new. Was there an appeal ?

The COLONIAL SECRETARY : There was no appeal from this board. The assessors had to sign an agreement that they would be bound as by a decision of the court.

Hon. J. W. HACKETT : Must the board be unanimous and was there the right of appeal ?

The COLONIAL SECRETARY : There was no right of appeal, but he thought the board must be unanimous. The award was made binding. After the late timber trouble a board of conciliators was appointed to settle a question in connection with an engineers' dispute, and the board was appointed under a similar provision to this.

Question passed.

Clause 85—agreed to.

Clause 86—Unions of Government employees—amended verbally.

Clauses 87 to 96—agreed to.

Bill reported with amendments ; report adopted.

ADJOURNMENT.

The House adjourned at 9 o'clock, until the next day.

Legislative Assembly,

Wednesday, 21st August, 1907.

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

Prayers.

PAPERS PRESENTED.

By the *Premier*—1, Industrial Conciliation and Arbitration Act—Report by Registrar to 31st December, 1906. 2, Public Library of Western Australia—Report for 1906-7.

By the *Minister for Mines* : 1, Papers *re* inspection of Boilers at Collie—Return ordered on motion by Mr. Scaddan dated 31st July.

GERALD BROWNE CASE, PAPERS.

The ATTORNEY GENERAL, in laying on the table the depositions and papers in connection with the prosecution of Gerald Browne, the depositions on the inquest of Marley, also the correspondence and papers in connection with the Gerald Browne case, said : I desire the leave of the House to say that on looking through the files in reply to a verbal inquiry as to whether the finding of the magistrate that wounding was lawful, covering the consequences of such wounding, I gave an opinion which would be apparent to every member that the magistrate's finding that the wounding was lawful would stand, subject of course to any revision that might be made of such decision by the authorities. I make that statement because, being a purely formal matter it escaped my memory. It is a rule of law, and does not affect the particular merits of the case.