Legislative Assembly,

Thursday, 21st November, 1929.

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

QUESTION—POLICE DEPARTMENT, ALLEGATIONS.

Mr. CORBOY asked the Minister for Police: 1, Has he received recently a letter from E. Campbell, of Subiaco, in which those administering the Police Department are charged with grave offences? 2, Does Campbell state in the letter that he will undertake to prove his charges if a Judge of the Supreme Court is appointed a Royal Commission to hear them?

The MINISTER FOR POLICE replied: 1, Yes. 2 Campbell's allegations of maladministration are a tissue of falsehoods, and it would be wasting the time of a Supreme Court Judge or anyone else to investigate them.

QUESTION—WATER SUPPLIES, LAND RESUMPTION.

As to Compensation.

Mr. GRIFFITHS asked the Minister for Agricultural Water Supplies: Will he investigate the circumstances surrounding the resumption for water supply purposes, of land at Barbalin from Mrs. J. Adams, and ascertain whether more just compensation can be given to this old pioneer.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES replied: As Mrs. Adams has appointed an agent, who is negotiating with the Department, the question should not have been asked at this stage.

LEAVE OF ABSENCE.

On motion by Mr. North, leave of absence for one month granted to Hon. W. J. George (Murray-Wellington) on the ground of ill health.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Lutey (Brown Hill-Ivanhoe) on the ground of ill health.

MOTION—COWIE CASE.

Judicial Leniency.

MR. TEESDALE (Roebourne) [4.35]: I move—

That in the opinion of this House the attention of the Minister for Justice should be drawn to the extraordinary leniency of a Judge, in discharging J. A. Cowie of Fremantle, upon a surety of £100 after his pleading guilty to forging and uttering a scrip certificate for Freney's Oil Company, in contradistinction to a sentence by the same Judge of 12 months with hard labour on one Jack Green, a first offender aged 24 years, convicted of stealing a few groceries from a bush store.

My intention in asking a question during the week regarding the Cowie case was to ascertain whether the Government could express any opinion regarding a matter that has attracted so much attention in Perth. You ruled me out of order, Mr. Speaker, but I have looked through our Standing Orders and have been unable to discover any reason why I should not have been allowed to ask that question. No doubt May deals with the point. The motion I have now moved will afford me an opportunity to go into the question at issue more fully than I intended. At the outset I wish to emphasise the fact that I take second place to no man in Western Australia in my respect and admiration for British justice, and it is because I am jealous of it that I have taken the present action. In the courts lately a case was dealt with, and it has positively staggered the commercial world of this State. It has been discussed during the last fortnight by every class of society, and I had hoped that someone who could deal with it better than I, would have taken it up. I do not like the impression to go abroad that members of Parliament can read of something that is most astounding and yet make no comment on it in the House. Regarding the particular case I have in mind, I shall refresh the memories of hon. members by reading an extract from the "West Australian." I shall deal with the judge involved as little as possible. The newspaper report was as follows:—

Mr. Justice Northmore passed a sentence in the Criminal Court yesterday on the prisoners

convicted either by their own admission or by a jury during the November session. The chief public interest was in the case of John Alexander Cowie, the Fremantle business man, who had pleaded guilty to having knowingly and fraudulently uttered a false document purporting to be a certificate for 100 shares in the Freney Oil Company. When Cowie was presented before him, his Honour said that his was a very serious offence, and one for which the Criminal Code provided a very substantial penalty. A section of the Code provided, however, that notwithstanding the seriousness of the charge, the court might suspend judgment indefinitely.

"After anxious consideration," continued his Honour, "and having read a number of testimonials to your good conduct over a number of years, I have come to the conclusion that this is a case where I may extend to you the benefit of that section. If someone will find a surety, I shall discharge you on entering into a bond for £100 to come up for sentence when called upon."

Then followed these extraordinary sentences—

Cowie said that he would try to find the surety, and his Honour replied, "Perhaps one of those who have given testimonials will endorse his opinion of you by finding the surety."

Mr. Sleeman: The judge gave him plenty of assistance.

Mr. TEESDALE: In another newspaper there appeared some comments on the case, and I shall read them, because they emphasise the statement I made that the Cowie case has attracted a lot of attention. Those comments were—

The sensational story of the forged Freney oil scrip, with its elaboration of deliberate planning, and its striking fictions concerning the mysterious "man from the North-West with a red square-cut beard," has come to a conclusion as surprising as any other of its features. Mr. Justice Northmore, instead of imposing sentence on the person accused of the crime—a Fremantle sharebroker who pleaded guilty to a charge of uttering—released him on a bond to come up for sentence when called upon. A judge's discretion should be regarded by the community with the greatest respect, perhaps, particularly so, in cases where the considerations taken into account are not obvious to the general public. Yet the contrast between this leniency and the severity of the sentences usually imposed for crimes of fraud involving a degree of deliberation, especially in cases where the position of those convicted gives them a title to public trust, makes this decision one of historic interest.

I am safe in saying that this man is not ignorant. He was a leading business man of Fremantle. He was a sharebroker and also secretary of a very fashionable golf club where the elite of the town are accustomed to meet.

Mr. Wilson: That is so.

Mr. TEESDALE: If this man had been working on a drainage scheme or in a camp of some sort, he might possibly have been unaware really of what he was doing, but in this instance he was a business man, deliberately doing something he knew to be wrong.

Mr. Sleeman: If he had been engaged on drainage works, he would not have got off so lightly.

Mr. SPEAKER: Order!

Hon. Sir James Mitchell: The member for Fremantle should not say that!

Mr. TEESDALE: The man concerned was not like that; he was a business man and a leading light in the social world. It was to such a man that this extraordinary leniency was shown. Then again there was the most astounding fact that 10 foolscap sheets of closely type-written matter were handed to the judge, and no comments were made regarding the contents. In such an unusual case as this, surely some information could have been given to the public to account for the extraordinary leniency. Here were the 10 sheets of type-written matter handed to the judge and no one knows what they contained! If everyone charged with a serious offence can get out of it by arming himself with a sheaf of closely typed matter, and handing in the document before sentence is passed, there will be a lot of foolscap paper used during the next 12 months! It seems an extraordinary thing to do. If the judge had seen fit to make some comment after the sentence had been delivered, it would have satisfied the public, and allayed a lot of irritation and surprise. I may even say it would have allayed much of the contempt for justice that this case has created. It would not have been derogatory to the judge himself had he given the public some little information from this standpoint. I had hoped to get some information as the result of the question I desired to ask. I had visualised the Minister for Justice going to the judge in a friendly way and asking him if he minded giving him any information about what was contained in the type-written document.

The Minister for Justice: Ask the member for West Perth about that!

Mr. TEESDALE: I thought the Minister would have been told; then he could have informed the House that he had the information and that the Government were perfectly satisfied. Had that been done, I too would have been satisfied. If the Minister for Justice had seen the document and learnt something about its mysterious contents, and of any extenuating circumstances that the judge had not seen fit to disclose to the public, I would not have said a word about it. Nothing of the sort has been done, but if it had been done, most people would not have regarded the position as so extraordinary, and would not have wondered so much at such a decision as that arrived at by the judge. That sort of thing is not fair to the public. I am aware that judges are supposed to be independent of public opinion, and cannot be questioned, but I think there is a duty they should perform without straining or upsetting their consciences. The matter under discussion is a case in point. After the Cowie decision, another man was placed in the dock on the same day and before the same judge. It was a case in which Jack Green, who had been found guilty of his first offence and whose age was 24 years, was concerned. Green and his mate had apparently been tramping the country, possibly for weeks, and in due course arrived at a township. They had no money, no food, and no friends. They saw a chance of getting some tucker from a store and a few clothes. They broke into the store. They did that to get food; it was done on the impulse of the moment. Their crime did not extend over a month and did not embroil any other poor devils in the game. The boy Jack Green was sentenced to 12 months' hard labour, and was ordered to be detained, during the Governor's pleasure, in a reformatory. No man in this House can say that that sentence and the decision arrived at in the Cowie case were fair, taking all the circumstances into consideration.

The Premier: Are you sure Green was a first offender?

Mr. TEESDALE: The newspaper report set out that he was a first offender, and I can only go on that information. Unfortunately, he had a mate with him who was known to the police, but Green himself was a first offender. He got 12 months hard labour and was ordered to be detained in a reformatory during the Governor's pleasure. If the Governor forgot at the end of 12 months, as might happen if there was a change of Government, it might be overlooked that there was a poor devil in gaol to whom attention should be given. I am quite justified in asking whether it was the fact that Jack Green was unknown, friendless, without anyone to do anything for him or to speak a few words as to his character, that influenced the decision and whether, had he been a leading business man in the same position as Cowie, he would have got 12 months hard labour. The public are asking that. Would the decision have been different had his position been different and had he not been a worker tramping the country? It is very disquieting and unpleasant to think of that. I have wrapped that up as well as I can.

The Premier: There is much more that could be said.

Mr. TEESDALE: No one cares about Jack Green or his class. I wonder what Jack Green is thinking of this matter. No one cares a rap about him.

Mr. Sleeman: I think somebody does.

Mr. TEESDALE: His immediate friends might, but I wonder what Jack Green is thinking in his lonely cell. He is made a gaol bird for 12 months and, when he comes out, in ordinary circumstances, he will have a heart full of hatred and contempt for our institutions. He will know all about Mr. Cowie and about his pluming himself in the Fremantle streets and congratulating himself upon his cuteness. Jack Green will know all about it, and it is calculated to make him a Bolshevik and to come out with his hand against everyone in general and no one in particular, against institutions, against justice and British fair play, for which possibly he has had respect up to the present. This sort of thing creates Bolshevism; it engenders that wretched class consciousness; it makes a man bitter and causes him to feel that everybody is against him; and in that state of mind he becomes plastic material for those agitators who are always looking about the country for fellows with grievances, and might become a scourge to society for the rest of his life. That is what happens sometimes. If there is any elasticity at all about the First Offenders' Act, and if a judge exercised his discretionary power, was not Green's a case in which to exercise it. Was Cowie's case one to

create such sympathy in anyone's mind—a business man of Fremantle who had been hail-fellow-well-met with the best of Fremantle people?

Mr. Davy: Do not say that; a most obscure business man.

Mr. TEESDALE: I have yet to learn that I am exaggerating in any way. I repeat that he was a business man, a share-broker, the secretary of a club, and the agent for a travel association, either English or Singapore. I do not know what more the member for West Perth wants to constitute Cowie a business man. I do not think there is any exaggeration about anything I have said. Cowie was certainly not a bottle-oh; he was something superior to that. Let me refer to another case that illustrates the extraordinary discrepancy and variation of sentences. I refer to the case of Easthaugh, a young fellow, a first offender, strongly recommended to mercy on account of the slovenly administration of the firm for whom he was working. His youth was mentioned also, but he received no consideration. He was sentenced to three years hard labour, and it broke his father's heart. His father died directly afterwards. No mercy was shown to the young fellow. That is the sort of thing that rankles in the mind of people. That is what influences me to ask for some light to be thrown on the matter so that people will realise Parliament is not standing by as a body unappreciative of what is happening. One law for the rich and another for the poor; we have ample material in the sentences I have mentioned to inflame that opinion; seething discontent, contempt and hatred. It is easy to pooh-pooh this when one has a good position, is well clothed and has had a good lunch. Let members put themselves in the other poor fellow's place with an empty stomach; and he gets 12 months hard labour for taking some food. If I were hard put to it and badly in need of food and saw an opportunity to get it, I doubt very much whether I would not take it if I thought I could get through with it. I merely ask for consistency of sentences. That is not a very big thing to ask. I recognise that we can get only as near to consistency as the human mind can conceive, although our judges are supposed to be super-men and are not supposed to make any mistakes. They are selected because they are men of the highest standing, and I believe they are.

Mr. SPEAKER: The hon. member is not justified in reflecting upon the judges.

Mr. TEESDALE: I said our judges were men of the highest standing.

Mr. SPEAKER: The hon. member must refrain from any reflection.

Mr. TEESDALE: There would be nothing derogatory in tendering a little information to the public. Even if it were not done from the Bench, it might be done through the Minister for Justice. Only two days ago five of the first law Lords of the Privy Council allowed what would appear to a layman to be an extraordinary appeal, but those Lords of the Privy Council did not permit their decision to be broadcast and cause thousands of people to remark, "How shocking! I would not have expected Smith or Jones to allow an appeal in a case like that." It was an extraordinary case—an appeal from a sentence in a murder trial. Yet that high judicial committee quashed the conviction and announced in court that they would state their reasons later. It was not derogatory for those five law Lords of the Privy Council to offer an explanation; they announced that they would give their reasons later. In the case of Cowie, the judge discharged him—it practically amounted to an acquittal—and gave no reasons whatever. Apparently he is sitting on his dignity and will not give any reasons. At least that is what I conclude from the smile of members when I suggested that reasons might be given. The Privy Council are not too dignified to give a little explanation that the mind of the public might be set at rest. They are prepared to give reasons and take the public into their confidence. Judges are appointed to maintain law and order and good government. Sentences of the kind I have mentioned, if there are enough of them, will wreck nations, much less law and order and good government. If anything I have said to-day inspires a belief in the public that there are members of this House who are opposed to these extraordinary and inconsistent sentences, my efforts will not have been wasted.

MR. SLEEMAN (Fremantle) [4.58]: I think the member for Roebourne should be congratulated on having brought this matter before the House. During the course of his remarks he stated that nobody cared for Jack Green. The hon. member pictured Green as

a hungry man tramping the country through absence of work, and suddenly giving way to an impulse of the moment and stealing a few groceries, very likely to keep body and soul together. For that offence he wa awarded 12 months imprisonments with the Kathleen Mavourneen. When we compare his fate with that of others sentenced, we might yet be able to show some sympathy for him. The Minister for Justice would do well to exercise his prerogative and show the people of the State that Jack Green is ... to be penalised any more than any other person through the courts of the country. If it was right to let Cowie off, the Minister for Justice should be justified in taking the view that as Jack Green was a first offender and might have yielded to a sudden impulse, it would be well to give him a chance to escape becoming a criminal. When a first offender is imprisoned he is liable to be contaminated by association with other prisoners. There is no segregation in our gaols. Although Jack Green was probably a hungry man and stole a few groceries, he was sentenced to 12 months' imprisonment with a Kathleen Mavourneen at the end of it, and possibly when his sentence is finished he will come out a confirmed criminal. In view of these two sentences the Minister might do well to show that Green is not going to be penalised more than any other man, by reviewing the case and exercising his prerogative to allow Green to go free and perhaps be saved from becoming a criminal. I congratulate the member for Roebourne upon bringing this matter before the House.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.1]: I do not desire to say much on this motion. It is all right to draw my attention to some particular aspect of the case, but not much good is to be gained by drawing a Minister's attention to a thing unless there is something embodied in the motion requesting him to take certain action.

Hon. Sir James Mitchell: The Minister cannot take any action in this House.

The MINISTER FOR JUSTICE: If the House desired action to be taken and to question the conduct of the judge or anyone else connected with this matter, there is a proper proceeding to be followed.

Hon. G. Taylor: The judge could be censured or dismissed by a motion passing both Houses.

The MINISTER FOR JUSTICE: Yes. If a member took the responsibility of bringing such a motion before the House in the proper way and the House passed it, all members of the Chamber would be taking the responsibility of it. It is not much use bringing down a motion that draws the attention of the Minister to a particular thing, without some expression of opinion being given.

Mr. Teesdale: Would the judge not discuss the matter with you?

The MINISTER FOR JUSTICE: I have never attempted to discuss these matters either with a magistrate or with a judge.

Mr. Teesdale: Not even to discuss them?

The MINISTER FOR JUSTICE: Not to discuss reasons why decisions have been arrived at. It would be grossly wrong to interfere with or discuss matters with judges or justices concerning their conduct. Judges are appointed with very wide discretionary powers.

Mr. Teesdale: If the State were against a judge it would be right.

The MINISTER FOR JUSTICE: Any member of Parliament who thinks that the whole State is against a judge, or that he has done something wrong, can move a motion to that effect. It would then be debated in the House and dealt with on its merits. Some member might think a matter was of sufficient importance to move a motion that both Houses should deal with it.

Hon. Sir James Mitchell: The Minister can do no more than an ordinary member.

The MINISTER FOR JUSTICE: A Minister for Justice never attempts to discuss matters with judges, who are appointed with discretionary powers. Whilst a considerable section of the public would agree with the contention of the hon. member that possibly it might have been better had some reasons been given for this sentence, and that the public would have been more satisfied, I do not feel called upon, as Minister for Justice, to ask the judge to give his reasons for imposing this sentence.

Mr. Thomson: You would have no right to do so.

Mr. Latham: The matter can only be dealt with by appeal.

Hon. G. Taylor: It is not within your province.

The MINISTER FOR JUSTICE: No. The motion does not mean anything except that it is an opportunity for expressions of

opinion concerning the case. I agree with the remarks of the member for Fremantle. The member for Roebourne spoke of extraordinary leniency in one sentence when another, passed in the same session, was of a different degree in severity. It is suggested that because of the leniency shown on the second occasion the Minister should interfere with it, and recommend to the Governor that some remission should be made with regard to the first sentence.

Mr. Sleeman: Why not have some consistency?

The MINISTER FOR JUSTICE: It is not the place of the Minister or the Governor to watch cases and, if there is some extraordinary disparity between the sentences inflicted, to constitute himself an appeal court and go into the whole business. It is not for either to say that one sentence is too heavy and another too light, nor to say that one man should have received a little more punishment, and that because the judge did not give it to him, a certain proportion of the sentence meted out to the other man should be remitted. That attitude has never been adopted by any Minister of the Crown, and I hope it never will. When we pass Acts of Parliament we provide penalties for various misdemeanours or crimes. It is a general rule with any penalty to provide that it may be reduced to 10 per cent. of the maximum. If a man is fined £100, within the discretion of the judge the amount may range between £10 and £100, according to the circumstances. That is for the judge or the magistrate to say. When a judge has exercised his discretion it would not be right for the Minister or anyone else, except as provided by Parliamentary procedure, to deal in any way with the matter. If the motion is carried I will take it that my attention has been drawn to the matter.

MR. DAVY (West Perth) [5.8]: I should like to refer to one or two remarks that have been made. One is the reference made by the member for Roebourne when he talked about this being an exhibition of one law for the rich and another for the poor. The suggestion is that the judge in question was displaying favouritism towards Cowie because he was rich, and refraining from doing so towards Green because he was poor.

Mr. Teesdale: You are quite wrong. I said these sentences were material to the saying about the rich and the poor.

Mr. DAVY: I disagree with that interjection of the hon. member. By no stretch of the imagination could Cowie be classed as one of the rich.

The Premier: The hon. member said nothing about his wealth; he referred more to his social standing.

Mr. DAVY: If social position is to be determined by a man being an agent or something of the kind, it does not seem to be a very satisfactory guide.

The Minister for Justice: He is a sharebroker.

Mr. DAVY: Anyone can call himself a sharebroker, and hang out a shingle to that effect.

The Minister for Justice: He was a member of the Stock Exchange.

Mr. DAVY: I doubt it. The suggestion from anyone who has followed the decisions of this judge could not carry much weight. We recollect that comparatively recently a member of my profession, a first offender, was given five years' imprisonment, a very proper sentence in the circumstances.

Mr. Sleeman: Did you say it was a proper sentence?

Mr. DAVY: Yes.

Mr. Sleeman: Thank you.

Mr. DAVY: It was a most proper sentence.

Mr. Thomson: The hon. member said, in the circumstances.

Mr. DAVY: Yes, so far as we know the circumstances.

The Premier: Was it the same judge?

Mr. DAVY: Yes. If any member of the public would study the decisions of the judge he would find there is not a trace of leniency towards people who earn their living with the inside of their heads, compared with those who earn their living mainly by muscular effort.

The Premier: I remember the case of Sullivan, which was on all fours with the Cowie case. A sum of nearly £20,000 was involved, and he was let off in the same way.

The Minister for Mines: It was a scandal.

Mr. DAVY: I do not remember the case. We give our judges considerable discretion where people are first offenders. I suppose they are guided by their whole knowledge of the man, his demeanour in the dock, his history, and by all the surroundings circumstances of the evidence. I presume that if a

judge feels that leniency may save a man and do no one any harm, he will so extend it. The case of Green has been referred to. It is claimed that he gave way to momentary temptation because he was hungry. I do not think the member for Fremantle is entitled to assume that that was the case. The circumstances may have been entirely different. We cannot determine the matter unless we know all the circumstances.

The Premier: The theft may have been deliberate and planned, and he may not have been any more hungry than Cowie was.

Mr. DAVY: There may have been other circumstances which made the offence appear one that merited punishment more than was the case with the other man. We are not entitled to constitute ourselves judges unless we have every advantage which the judge presiding at the trial had when he determined what penalty to inflict. We are not in a position to jump to conclusions.

Mr. Sleeman: We know that Green was a first offender.

Mr. DAVY: There are scores of first offenders who do not receive the benefit of the First Offenders Act. It was never intended that the Act should be applied for the benefit of all first offenders. The man who is sentenced has the right of appeal to the court of criminal appeal. Secondly, if the executive comes to the conclusion that the sentence is unjust it has a right to review it.

The Minister for Justice: The Crown does not go looking around for these cases. Someone must represent the matter.

Mr. DAVY: That is so. There are two safeguards for the man who is sentenced to imprisonment.

The Minister for Justice: The friendless man has not much opportunity.

Mr. DAVY: He has the opportunity to appeal to the court of criminal appeal.

The Premier: Without a lawyer?

Mr. DAVY: Yes.

The Premier: And the case could be heard without the aid of a lawyer?

Mr. DAVY: I do not know whether the Poor Persons Act would apply in the case of an appeal.

The Minister for Justice: Yes.

Mr. DAVY: In almost every case when the Court of Criminal Appeal sits, some person, sentenced to imprisonment, has an appeal to go before it. The court reads the evidence, goes into the whole matter, and decides whether the sentence should be confirmed, reduced or increased.

Mr. Latham: Sometimes the court does increase the sentence.

Mr. DAVY: There are thus two safeguards against unjust or undue punishment. It seems to me there is not much fear of inconsistency leading to hardship. If a man is let off, he can only be let off as a first offender: if another man who should be let off is punished, he has his remedy. I suggest that complete consistency is more than can possibly be hoped for.

The Premier: Yes. It is only glaring discrepancies that attract attention.

Mr. DAVY: In the absence of a knowledge of all the facts, are we entitled to describe this case as glaring?

The Minister for Mines: On the strength of all we do know, the case does look glaring.

Mr. DAVY: There probably is some fact of which we have no knowledge.

Hon. W. D. Johnson: Should not the public be made aware of that fact?

Mr. DAVY: Why should the public be informed of it?

The Premier: I consider that in the interests of justice it would be a good thing if the public did know.

Mr. DAVY: How are the public to know? Surely no one would suggest that we should have the right to call upon the judge for an explanation!

Hon. W. D. Johnson: No; but the judge should be careful to see that what influences his decision in such a case is conveyed to the public.

Mr. DAVY: As a matter of policy that might be so. It might be wise for judges, when doing something which they realise may appear out of the ordinary, to give some explanation. But to suggest that we can obtain an explanation from the judge is to my mind intolerable.

The Minister for Justice: Some judges say that frequently good decisions are spoiled by the giving of bad reasons.

Mr. DAVY: The mover referred to the recent decision of the Privy Council quashing the conviction of a man for murder said to have been committed in West Africa. The hon. member applauded the Privy Council for delivering judgment. The Privy Council is the last court of appeal for the British Empire. The judges quashed the conviction in that case, and said they would give their reasons in due course—exactly as our High Court often does. The decision would be a

decision on points of law, and perhaps on questions of fact; still, mainly on points of law. One of the points of law in the case was whether or not there was jurisdiction to try the accused without a jury. One can well imagine that a considered judgment, with reasons, would have to be delivered on such a question of law. I do not desire to carry the matter any further. I understood the member for Roebourne to use language stronger than his feelings.

Mr. Teesdale: No, you did not!

The Premier: The member for Roebourne was struggling all the time to moderate his language.

Mr. DAVY: I regret, then, to say that some of the language used by the hon. member appeared to be unwarrantably strong, and undesirable when the conduct of a Supreme Court judge was being considered. I suggest that the attention of the Minister for Justice having been drawn to the case, it might be in the interests of all things if the member for Roebourne asked leave to withdraw the motion.

MR. MANN (Perth) [5.21]: For more than 20 years I have been in close touch with the criminal courts of this State, and I can look back on many sentences imposed by many judges during that period. I can remember sentences which were regarded as extremely severe, and sentences which were deemed to be exceedingly light. I have in mind one case in which three men were to be arrested on a charge of robbery in company. In an endeavour to escape they shot at and wounded two police constables, and several other people. One of the three men was eventually shot by a policeman, and another officer and I arrested the other two accused on the following day. They were tried on a charge of shooting with intent to murder, and there was a second count of shooting with intent to avoid lawful apprehension. Being found guilty on the second count, they were liable to imprisonment for life. Because of a law point which had been raised—it was ultimately abandoned—the two accused were remanded for sentence to the next criminal sessions. In due course they were brought up to be sentenced, and the judge awarded one of them 12 months, another 15 months, and the third, who had only just previously been discharged from gaol in Victoria, two years. It was felt at the time that the judge had been extremely lenient, and that it was not in the public interest that these offenders should get off with such sentences. It could not be suggested, however, that the social position of the men had any influence on their sentences.

The Premier: The point is whether the claims of justice were met by the imposition of those sentences.

Mr. MANN: I do not know what operated in the judge's mind. I thought at the time that the sentences were extremely light. Perhaps I regarded the matter from a policeman's point of view, too; I had strained myself to effect the men's arrest, and they got off very lightly indeed. However, no matter what operated in the judge's mind, there could be no suggestion that it was the social position of the men or of their friends.

The Premier: That has no bearing on this case.

Mr. MANN: It is the point the member for Roebourne has stressed throughout his speech.

Mr. Teesdale: Not against all the judges.

The Premier: As to this particular case. The case to which the member for Perth is referring relates to another judge and other offenders.

Mr. MANN: I could cite many cases where judges have been extremely lenient, and many in which they have been extremely severe. The Criminal Code allows them very wide discretion indeed. The Legislature intends the judges to have that measure of discretion. In point of fact, the judge could have sentenced the man here in question to seven days or to 14 years. I do not know what operated in his Honour's mind in this case. My official duties brought me in contact with him during a good many years, and I regard him as a man of his own mind, as a man who would be influenced by nothing outside his own mind. Presumably the member for Roebourne is perfectly in order in bringing the case to the notice of the Minister for Justice. However, the hon. member sought to emphasise that it was the man's social position, the fact of his being secretary of a leading social club, a leading business man——

Mr. Teesdale: I asked whether those things might influence the judge.

Mr. MANN: The hon. member suggested that those things would influence the judge's mind.

Mr. Teesdale: Oh no!

Mr. MANN: Yes. That was the point the hon. member endeavoured to make, that

because one man was the secretary of a leading social club, a business man and a sharebroker, he had got off lightly, while young Green, a wanderer at large, with no one at the back of him, was sentenced to a year's imprisonment. If the hon. member did not make that point, he made no case at all.

Mr. Teesdale: I made that point. Make no mistake, and do not confuse the issue.

Mr. MANN: The suggestion is that the judge was influenced by those considerations. If so, he is unfit to hold his position. But my view is that the hon. member was wrong in making the suggestion. Whatever operated in the judge's mind was something apart from the accused's social position. Whatever may have been brought to the judge's attention in the statement submitted by the accused—

Hon. W. D. Johnson: Do not you think the public should be made aware of the contents of that statement?

Mr. Teesdale: The letters of wretched women involved in divorce cases are printed. Why not print that statement?

Mr. MANN: Every accused person has the right to submit to the judge a statement, either verbally or in writing. Frequently the prisoner feels that he can do more justice to himself by putting his remarks in writing. He feels that he can convey himself more clearly in writing than he could by speaking from the dock. Every accused person has that privilege, and this accused person availed himself of it by writing a statement. I have never known a judge to read out in court a written statement submitted to him by an accused person. The judge might possible comment on that statement.

Hon. W. D. Johnson: Suppose others put up a case in writing to the judge.

Mr. MANN: I do not follow the hon. member. It would be wrong for any person to write a letter to a judge on a case that was proceeding.

Hon. W. D. Johnson: Evidently something occurred to influence the judge here.

Mr. MANN: In this case, as in most criminal cases, the accused person, upon being asked whether he had anything to say, submitted a statement in writing.

Hon. W. D. Johnson: Do you suggest that the only statement read by the judge was that submitted by the accused?

Mr. MANN: Yes.

Mr. Latham: Testimonials were put in by the accused person's counsel.

Hon. W. D. Johnson: Those were not statements by the accused, were they?

Mr. MANN: The member for Roebourne spoke about the ten sheets of foolscap. It is an accused person's privilege to make such a statement when asked whether he has anything to say.

Hon. W. D. Johnson: The judge intimated that he had other certificates of character relating to the accused.

Mr. MANN: They were put in by counsel for the accused during the hearing.

Hon. W. D. Johnson: Why are they not made public?

The Premier: The submission of such documents is permissible.

Hon. W. D. Johnson: But why not make them public?

Mr. MANN: Mr. Speaker, you are aware that after an accused person has been found guilty, evidence of good character is frequently submitted with a view to mitigation of sentence, testimonials from well-known persons being produced to the judge.

Mr. Latham: Sometimes they are put in by the prosecuting counsel.

Mr. MANN: References showing the previous good character of the accused were put in, and later the accused submitted a written statement. The point I wish to make is that that course is followed in nine criminal cases out of ten where a conviction results.

The Premier: It is nothing unusual.

Mr. Teesdale: But ten sheets!

Mr. MANN: It seems to me that the member for Roebourne wishes to emphasise unduly the number ten. What does it matter whether there were ten sheets or twenty?

Mr. Teesdale: I wonder who was indicted in those sheets?

The Premier: The case, being difficult of explanation, required a greater number of pages.

Mr. Davy: These fellows are often long-winded, and put in huge statements.

The Premier: The red, square-cut whiskers needed a lot of explanation.

Mr. MANN: I am not burlesquing the case, but am endeavouring to convey to hon. members the result of my many years' experience in the criminal courts. I desire to show that what has happened in this case is not unusual. But just for the time being it is stressed in the minds of

members and of the public, and many similar cases that happened in years gone by have been forgotten. But just as those cases have occurred in the past, so similar cases will occur from time to time. If we are going to call on a judge to explain why he made a sentence severe or light, we are going to interfere with that course of justice of which the member for Roebourne is so proud.

HON. SIR JAMES MITCHELL (Northam) [5.31]: I do not know why the House should object when mercy is shown. One could understand the House getting up in protest when an unduly severe sentence is passed. I remember that when Hawkins was made a judge he communicated the news to John Bright; but instead of congratulating Judge Hawkins, John Bright said: "Be merciful, Hawkins, be merciful." I hope our judges will be merciful and that members here will not in consequence think it necessary to bring the case before the House.

Mr. Kenneally: We all rejoice when a judge is merciful, so long as he is merciful in every case.

Hon. Sir JAMES MITCHELL: But the time to protest is not when mercy has been shown, but when a judge has been unduly severe.

Mr. Teesdale: This judge was severe in Green's case.

Hon. Sir JAMES MITCHELL: Well that was the time to protest against the severity of the sentence. I hope everybody will show mercy where it is warranted. No doubt we have in our gaols some prisoners who might well be released, especially in this, our Centenary year. I hope consideration will be shown to them. I always feel sorry when a young man is sentenced to a term of imprisonment for the first time, for it seems to me that probably what he has gone through, and the reproach of his own conscience, is punishment enough.

The Minister for Justice: There have been many releases, both special and general.

Sir JAMES MITCHELL: I am glad to hear it. I wish to dissociate myself altogether from this protest being made against a judge's leniency.

The Minister for Mines: Protests against leniency may be all right on the score of the frequency of the crime. I do not know that leniency is then desirable.

Hon. Sir JAMES MITCHELL: I am not joining with those who hold that mercy should not be shown. I do not know whether or not justice has been done in this case; that is quite away from the point, but I do hope that the motion before the House will not have the result of inducing the judge to be more severe in future; if it does we shall have done something we had no right to do. It would be altogether undesirable to set up in our judges the idea that we object to leniency or mercy shown to first offenders.

Question put and passed.

BILL — INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 19th November.

MR. DAVY (West Perth) [5.35]: It is rather a pity we should have this amending Bill to consider so late in the session, but I suppose the Minister has good reasons for being late with it. It is not a measure that ought to involve us in any very heated arguments, for the only points that will be seriously objectionable to members on this side are those about which we have already had much argument during two previous sessions. The Bill is essentially a Committee measure, for it is quite disjointed, consisting merely of a series of amendments to the principal Act. I propose shortly to deal with three or four of those amendments which appear to be worthy of comment. The first is the proposal to amend the definition of "worker" so that industrial insurance canvassers shall be deemed to be workers without any restriction on the meaning of the words "industrial insurance canvasser." It will be remembered that when we debated the Industrial Arbitration Act Amendment Bill in 1924 and 1925, it was sought to include, without any restriction, industrial insurance canvassers as workers. That was contested by this side of the House, and another place amended it; and as a compromise the industrial insurance canvassers were included. But a definition was given of what they were, as follows—

> For the purpose of this paragraph, the word "canvassers" means persons wholly and

solely employed in the writing of industrial insurance business and/or in the collection of premiums at not longer intervals than one month in respect to such insurance, but does not include any person who directly or indirectly carries on or is concerned in the carrying on or conduct of any other business or occupation in conjunction or in association with that of industrial insurance.

It seems to me that definition is sufficient, and that there is no reason why, so soon after that definition was put on the statute-book, we should alter the law. I understand that in the vast majority of instances men employed as industrial insurance canvassers combine that work with all sorts of other work. For instance, they do ordinary insurance canvassing, they do land selling, they keep shops in some cases; in fact, they might have a host of other vocations in conjunction with this particular one, which is merely one of a number of lines that make up their total living. Also I find, as I found three or four years ago, it difficult to justify the inclusion of industrial insurance canvassers and not other commission men. Why pick one of these commission men and call him a worker, and leave all the others without the protection that the Industrial Arbitration Court is supposed to give to workers. So I propose to oppose this attempt to alter the position that was put on the statute-book such a short time ago, and in respect of which the Minister has given us no evidence of hardship being imposed. The next matter I should like to deal with is the question of appointing the President of the Arbitration Court a judge. At first I found it difficult to understand the motive behind this, but I gather that the intention is to give the President of the court exactly the same social and every other kind of status a judge of the Supreme Court has. I entirely agree with that proposition, but not with the method by which it is proposed to achieve it. I agree with the Minister for Works that our intention was to give the President of the Arbitration Court just as fine and independent a position and just as much dignity in his position as in that held by a judge of the Supreme Court. But it was also definitely our view—by which I mean my view and the view of most members on this side of the House—that the President of the Arbitration Court should be entirely confined in his work to that court. We have had the spectacle, previous to that amendment of the law, of various presidents of the Arbitration Court, who at that time had to be judges of the Supreme Court, resigning. It was an unpopular position, and consequently one found that when opportunity offered the President resigned from the Arbitration Court and returned to the more congenial atmosphere of courts of ordinary law; and the latest appointee to the Supreme Court was probably thrust back into the position of President of the Industrial Arbitration Court. A return to that state of affairs I would certainly oppose. It would be entirely wrong and would defeat the hitherto successful attempt made by us in 1925 to expedite the work of the Industrial Arbitration Court, and clear up the immense arrears of work. I remember that at that time somebody compared the Industrial Arbitration Court of Western Australia to old-time Chancery in England—if you once got into it you were there for the rest of your life. I do not think the comparison was by any means unjust. There was another reason advanced by the Minister for Works why the President of the Industrial Arbitration Court should be made a judge: that was that on appeals from the industrial magistrates or from the Industrial Arbitration Court to the Court of Criminal Appeal, as provided by the Act, it would be entirely beneficial to have on that bench a judge with an intimate knowledge of the work of the Industrial Arbitration Court. I agree that there may be something in that proposal, but I suggest to the Minister that we could achieve the same object by an amendment of another section of the Act to provide that whenever the Court of Criminal Appeal is sitting to hear appeals on arbitration matters, the President of the Arbitration Court shall become a member of that Court of Criminal Appeal and sit with them with equal jurisdiction. When in Committee I propose to move amendments to that effect. As to the diginty of a judge's position, I think we can provide that the President of the Arbitration Court shall be referred to in the same terms as a judge, and given in every way that Parliament can provide exactly the same status on all occasions possible. But if we adopt the amendment of the Minister, it seems to me we may soon be in a very peculiar position. The President of the Arbitration Court might resign—we could not stop him from resigning as president—but he will still be a judge, and then perhaps another president and judge will be ap-

pointed in his stead. He in turn resigns, and we have another judge, and so we carry the thing to an absurdity. You might, in a short period of time, have a score of surplus judges all drawing their salaries and entitled to pensions when they retire. I am not suggesting that that will happen, but it might do so in a modified degree. The next point is the question of the granting of a pension to the ordinary members of the court. Anything that adds to the dignity or attractiveness of an important position must have a good tendency, but whether it is justified in this case, is another matter. The gentleman who act as employers and workers' representatives respectively are appointed for three years at a time, and three years only. I think there is only one representative of the workers who has been continuously on the bench for a number of years, and if it were proposed that a pension should be provided for him on his retirement—which possibly might be the case in the near future—then I would certainly vote in favour of a special pension being provided for him, because I think it would be a proper reward for long and good services; but whether it is the correct thing that every time an elected member has served 12 years, he should automatically become entitled to a pension, is an entirely different matter. I should like the Minister to consider another way of achieving the object he has in view. The next point which the Minister said was the most vital in the Bill, and which he tells us was the real excuse for bringing down the Bill, is the amendment that deals with the making of industrial agreements, common rules. The Minister referred to a recent decision of the Full Court, and I imagine the case was that of Spurge and the Hotel, Club, Caterers, Tea room and Restaurant Employees' Industrial Union of Workers. With all due respect to the Minister, I feel that he has been entirely misinformed regarding that decision.

The Minister for Works: The Employers' Federation and all agree that the position is as I have stated it.

Mr. DAVY: Then if that is so, either the Minister has misunderstood the others or they have misunderstood the position. I have here the judgment of the Full Court.

The Minister for Works: It was the Full Court that misunderstood.

Mr. DAVY: I am going to read the judgment of the Full Court in this matter. That judgment has declared the law to be exactly what the Minister is asking us to endeavour to establish by his amendment. I shall leave the House to judge and I am going to ask the Minister, if already he has not had the opportunity to do so, to carefully read the judgment of the Full Court.

The Minister for Works: I have read it.

Mr. DAVY: Then I cannot understand the Minister's statement. The question at issue in this case was a very simple one. Some person or persons employed by Spurge claimed that they had been short paid, that is, not paid in accordance with an industrial agreement which had been made a common rule, and accordingly their union brought enforcement proceedings against Spurge, and the point was taken on behalf of Spurge that it was only an industrial agreement and that although it had been made a common rule, nevertheless anybody might retire from it after the expiration of the term for which the agreement was entered into. Spurge claimed he had retired from it, and that in spite of the words of the Act which were that an industrial agreement being made a common rule, it should have the effect of an award, nevertheless he could retire from that agreement whenever he liked. That was the position Spurge took up and it was the position that was contested by the union that brought the enforcement proceedings. This is the judgment of the Full Court delivered by the chief Justice—

> The question to be determined on this appeal is whether it is possible for anyone to retire from an industrial agreement, after it has been made a common rule. This legislation lays itself open to verbal criticism, but I think there is no real difficulty when the material sections are looked at. Section 35 is the first section which deals with industrial agreements, and it deals with the term, form and date of the agreement. By Subsection 5 of Section 35 it is provided: "Notwithstanding the expiry of the term of an industrial agreement, it shall, subject to any award of the court, continue in force in respect of all parties thereto, except those who retire therefrom." Subsection 6 of Section 35 provides for the mode of retirement. So far it is perfectly clear that the agreement depends upon the consent of the parties; it is a matter of their own arrangement, they can make what agreement they like, and it is open to them to follow it or to retire from it. The next material section is Section 39, and it shows how the industrial agreement, which I say so far rests entirely on the consent of the parties, can be dealth with. It says—"Every industrial agreement, made under this Act or the Acts hereby repealed, may be varied, renewed, or cancelled by any subsequent industrial agreement made by and between all the par-

ties thereto, but so that no party shall be deprived of the benefit thereof by any subsequent industrial agreement to which he is not a party." Then, for the first time, we get a reference to something which, in place of the consent of the parties, is going to impose compulsion on them. The section provides—"Provided, however, that no industrial agreement with respect to which any powers conferred by the next succeeding section have been exercised shall be varied or cancelled without the leave of the court." Then Section 40, which is the material one, says, "The court may declare that any industrial agreement shall have the effect of an award, and be a common rule of any industry or industries to which it relates, and the agreement shall thereupon, subject as hereinafter provided, become binding on all employers and workers, whether members of an industrial union or association or not, engaged at any time during its currency in any such industry within the locality specified in the agreement." There the parties are not acting under their own agreement; they are acting under the compulsion of an award. They are bound by its terms; it is to have the effect of an award. In order to see how long it is to last, we must see what is the position of an award, and that is shown by Section 91: "Notwithstanding the expiry of the term of an industrial award, it shall, subject to any variation ordered by the court, continue in force until a new award has been made." I think the present appellant had no right to withdraw from this agreement, which now has the effect of an award. I think the appeal should be dismissed.

I submit that the judgment of the Full Court declared that the position was exactly what the Minister says he desires to make it. He wants to make an industrial agreement an award; then the position will be precisely the same as if the original industrial agreement had been an award. So I submit the desires expressed by the Minister have already been achieved; they are there, and to start putting in new sections when already the Minister has what he wants as set out by the final court of appeal in this matter, will be extremely unwise. As soon as you start trying to express something in what you think might be better language, you are sure to find something creep in, and then perhaps another law suit will follow about the new section, and again we shall want to know where we are. Why not let the matter rest?

The Minister for Works: Not a party in this State will enter into an agreement while that decision stands.

Mr. DAVY: If they will not enter into an agreement while that decision stands, they certainly will not do so after the Minister has amended the Act in the way he proposes.

The Minister for Works: Yes, all their fears will be removed.

Mr. DAVY: There is no question of fears; the thing is definite and final.

The Minister for Works: If it is definite and final it is the end of all agreements.

Mr. DAVY: Then I suggest to the Minister that if he desires the agreements to go on and if this is definite and final, and if, as I say, the position is just the same now as it will be after he has passed the amendment, he probably wants a different amendment. The Minister wants an amendment that will take us back to the position that some people thought was the position before the decision was given. I had something to do with a somewhat similar case not long ago, and I realised definitely that once an industrial agreement was declared a common rule, it had the same effect as an award. We want to be sure that full precautions are taken with regard to the declaration of common rules and industrial agreements. At one time industrial agreements were declared common rules, and in doing so the court would disclaim any responsibility for the drafting of the agreement and as to whether the agreement was intra vires the Act. I suggest that as the positon becomes so certain now, the greatest possible precaution should be taken before an industrial agreement is declared a common rule and given the full effect of an award. The next matter which appears to be worth comment in a general way is the proposed amendment to Section 83 which defines what an award is. At first sight the proposed new clause does not seem very alarming: there are only one or two simple little words dropped out of the original section: but when it is analysed a little more thoroughly there is recognised one of our old friends.

Mr. Thomson: Yes, very much so.

Mr. DAVY: It was in the original Bill brought down by the Minister some years ago. If he were to achieve his object respecting this amendment, the result would be that if Bill Smith wished to have his front fence painted and to employ a man to do it for him, he would have to see that all the requirements of the industrial award covering painters were observed. He would have to find out which award applied to him, because there are various awards dealing with different types of painting. One class of painting may be covered by the sawmillers' award, another by the bodymakers' award, if such an award exists, while other classes of painting are covered by other awards as well.

Smith would have to find out where he stood, and make up his mind to exercise the necessary supervision over the man he employed, in order to make sure that every item in the particular award he decided covered the work, was duly observed. I do not suggest that because a man employs another to paint his house, the worker should be underpaid or overworked, but I do suggest that such a provision as that indicated in the clause will place an extravagant burden on private citizens who are not interested in the industry to which any of these awards may apply.

Hon. Sir James Mitchell: Anyhow, the worker will not get the job, because the man will not employ him.

Mr. DAVY: That is so. If we impose burdens on the employers, they will tend to diminish employment, particularly where work is undertaken by private persons about their houses. If I require a man to paint my fence, I want to see that he is paid what he is entitled to and what he would get if he were employed elsewhere. At the same time, I certainly object to having to inform myself as to what my position may be and to take precautions lest I should commit some breach of an industrial award. If a man goes to a house and wants to do a day's work, as men frequently do, the householder would have to be particularly careful not to allow the man to do something that could possibly be covered by the terms of an award. Unless he does that, he may find that the man was covered by some wretched little provision in an award, necessary though it might be in the industry to which the award applied, but wholly unnecessary and unjust when made to apply to an individual who gave work to a man in such circumstances. The award might provide that a man doing the work the householder required, must start and knock off at specific times. That might be necessary in the industry but not with regard to the private individual who had no relation whatever with the trade to which the award might apply. If the clause be agreed to, it will mean that the Minister's desire to cover domestic servants will be achieved immediately.

The Minister for Works: The definition of "worker" settled that.

Mr. DAVY: I do not think so. It may be that if the clause is agreed to and the Act amended as the Minister desires, persons who employ women as cooks may find themselves bound by some industrial award covering cooks.

The Minister for Works: Domestic servants are distinctly exempted from the law.

Mr. DAVY: I know, but if we amend the law subsequently, we may find the position such as I have indicated. Let me give hon. members an instance to show what might happen. I will refer to what is known in industrial law as Fletcher's case. Whereas Fletcher gained the decision under the law as it stood, the claim would have been decided against Fletcher had the law been as the Minister desires to have it. The facts of the case were that Fletcher conducted a dairy farm near a swamp at Carine Lake, Balkatta. He milked 20 or 30 cows and carried on some ordinary farming operations as well. Twice daily the milk had to be carted along a bush track to the road, where it was picked up by the depot lorry. He employed as handyman, one Bush, who had never been on a farm before in his life. Part of Bush's duties were to cart the milk on occasions from the farm along the sand track for about half a mile to the macadam road. He also had to drive the horses when ploughing was done, and he did some stableman's work. He had to clean out the stables each morning and had to do other work that one would expect a handyman on a farm to do. When this man had been there for a year or so, it was suddenly claimed that he was a horse driver and was covered by an industrial agreement, which had been made a common rule and had all the force of an award, between the Horsedrivers' Union and such people as Moullin's, Foy & Gibson's, and other firms in town who employed people to do nothing but drive horses. If that had been the correct interpretation, then Fletcher would have committed breaches of the award that were simply horrifying. The horsedrivers' agreement provided a definite starting time that would be utterly ridiculous and impossible on a farm. Perhaps it would not be impossible, because nothing is really impossible, but such a starting time would be against the entire practice on farms throughout the Commonwealth. Moreover, Bush would have been entitled to be paid overtime if he were employed beyond certain stretches of hours. Had Fletcher been charged regarding all the breaches of the award that he had committed, it would have taken about two months to hear all the charges against him. What is more, Fletcher would have been called upon to pay Bush a

fabulous sum of money; it would have worked out at upwards of £400 for his year's work. It was contended it did not matter what Fletcher's occupation was, and that if Bush drove horses for any substantial portion of his time, his avocation was that of a horse driver, and he was therefore entitled to the whole of the benefits of the award. The case was taken before the industrial magistrate, and at the request of both parties he stated a case to the Industrial Arbitration Court for decision. That court, purporting to follow the decision of the Full Court in Parker's case, disallowed Bush's claim against Fletcher. If I am not greatly mistaken, the effect of the amendment to Section 83 suggested by the Minister, would be to make Fletcher liable in the circumstances I have indicated. I claim that would be a thoroughly undesirable condition of affairs. The final point I want to deal with in connection with the Bill will be found in the last clause. Here again is another old friend. On second thoughts I do not feel inclined to call it an old friend; I am its bitter enemy, and I shall continue, whenever this proposal is brought up before the House, to exhibit the most determined hostility to it. It is the proposal that we debated at length when it was before us on another occasion, which we referred to as the one-man baker clause.

Hon. G. Taylor: Don't mention that!

Mr. DAVY: We were told by the member for Guildford (Hon. W. D. Johnson), as an excuse for that proposal, that both the master bakers and the operative bakers were in entire agreement.

Mr. A. Wansbrough: Did you believe him?

Mr. DAVY: I always believe the hon. member, when he makes a statement like that.

Hon. W. D. Johnson: Of course, that also included the one-man baker at that time.

Mr. DAVY: That is the first I have heard of it.

Hon. W. D. Johnson: That was so.

Mr. DAVY: Then that makes it all the worse.

Hon. W. D. Johnson: I admit they reconsidered their attitude later on.

Mr. Thomson: I should think they would.

Mr. DAVY: If we find a combination of all the employers in a trade for the purpose of fixing their own prices in concert, and at the same time find them coming to an agreement with their employees so that they will support a certain piece of legislation that will wipe out the only possible competition to be encountered, then we are entitled to warn the public that it is a dangerous conspiracy from which the people will most certainly suffer.

Mr. Wilson: Not always.

Mr. DAVY: I will exempt Collie from this argument, although I could perhaps say something on that point. There is the position. Naturally everyone is inclined to look after himself and the master bakers have a strong association. They determined amongst themselves what price they would charge for bread. I do not suggest that they would fix a price greedily, but with associations, as with individuals, there is always a tendency to fix prices that will enable the least efficient to carry on profitably.

Hon. W. D. Johnson: It was not suggested that that was the purpose of the proposal.

Mr. DAVY: No, I am coming to that. When prices are fixed in the circumstances I suggest, almost invariably they are fixed high enough to enable the least efficient in the business to make a living. The bakers naturally struck trouble with the man who was neither employee nor employer, but who worked on his own. That type of baker did not belong to the association, and he was in a position to charge the public the lowest prices that would enable him to get a share of the trade and at the same time to make a living. The proposal in the Bill has for its object the wiping out of that type of baker, to wipe out the only safeguard the consumer can possibly have.

The Minister for Works: It merely says that that class of baker will have to work the same hours as other people.

Mr. DAVY: Yes.

Hon. W. D. Johnson: Then the hon. member must be opposed to the Early Closing Act.

Mr. DAVY: I do not propose to inflict upon the individual, restrictions which were invented for the prevention of the exploitation of workers by employers.

Hon. W. D. Johnson: It is the same thing as is included in the Early Closing Act.

Mr. DAVY: I am not concerned about that. I have often thought that there are many provisions in the Early Closing Act for which there could be no just excuse whatever.

Mr. Sampson: A conspiracy in excelsis!

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DAVY: I cannot see the justice of the proposal contained in the Bill. An expression used frequently is that this type of legislation prevents what is called unfair competition. When people engaged in industry start talking about unfair competition and wanting laws to stop it, I must confess that I immediately suspect those people of desiring some unfair advantage. I will not recognise for one minute that there is such a thing as unfair competition. The last clause of the Bill is designed to restrict the activities of the private individual working for himself, lest he might unfairly compete with the big man who employs his fellow creatures' labour and is therefore able to conduct his business on a much bigger scale. If a man cannot face the absolutely untrammelled competition of an individual working for himself, or for that matter a group of individuals working for themselves, then there is something wrong with his enterprise. He is either a poor business man and a poor organiser, or he desires to get an unfair advantage in order to squeeze the public into paying more than they should legitimately pay. If it were not so, why should not we all work for ourselves, employing nobody? This argument centres around bread-baking more than anything else and I ask, why should not every individual who wishes to bake bread sell it?

Mr. Clydesdale: It would be a good thing for the undertakers if they did.

Mr. DAVY: Perhaps so, but what is the good of people who have built up a business large enough to employ many of their fellow creatures as workers, complaining of unfair competition of the individual? I would remind members that the Industrial Arbitration Act, or the results of it, and the whole regulation of industry that has been built up, incuding the Factories Act which has been mentioned, are designed for one thing and one thing only, and that is the protection of the worker against exploitation by the employer. If that is the sole object, and if the boss comes along and says, "I cannot carry on my business as an employer unless you restrict the activities of the man working for himself only," then the whole of these laws are so much nonsense and ought to be wiped off the statute-book. If this clause is to pass into law, we shall have to adopt an extraordinary system of inquisition to ascertain what individual people are doing in their private houses. How are we going to check the individual? Suppose he is employed as a carpenter, and, in his spare time, in order to make a little more money, decides to manufacture a few chairs and sell them. Maybe he is employed as a painter, and in his spare time decides to do a few jobs on his own account. His neighbours may want a little painting done and he is prepared to do it in his own time. Maybe he is a plumber, a gardener, or any of the hundred things that could be mentioned. This provision will prevent his doing such work in his own spare time.

The Premier: A farmer in his spare time might go out to do something!

Hon. Sir James Mitchell: Or a housewife!

Mr. DAVY: It would hardly apply to the farmer.

The Premier: He would not have any spare time.

Mr. DAVY: The Premier, as an owner-farmer, not an operative one, well knows that he would not have any spare time.

Mr. Thomson: Perhaps the farm owns the Premier.

The Premier: No spare time and no spare money.

Mr. DAVY: I am speaking of people whose normal avocation is to work for someone else. If this proposal be placed on the statute-book, such people, when they have done their allowance of work for their boss, according to the award, will be subject to inspection and conviction for a breach of the award if they work a few extra hours in their own interests.

Mr. Thomson: Even for themselves.

Mr. DAVY: Yes.

Mr. Thomson: It is to be a crime for a man to do work for himself.

Mr. DAVY: Because they might be unfairly competing with their own boss. I have referred to this clause as an old friend, but I should have designated it an old enemy. I think it is a detestable principle, and so long as I am in the House I shall continue to oppose it. The Bill should pass the second reading. It contains many clauses that are unobjectionable and some that are good, but if it passes the second reading, I certainly intend to oppose certain of the clauses in Committee and endeavour to amend certain other clauses.

MR. THOMSON (Katanning) [7.39]: At this late hour of the session I think it would have been better had the Minister in charge of the Bill confined himself to the amendment considered necessary to overcome the anomalies pointed out by the court. Having heard the decision of the Full Court read by the member for West Perth, we must come to the conclusion that it was not necessary to bring down the Bill.

The Minister for Works: You have heard only one phase of it,

Mr. THOMSON: Judging by the evidence submitted by the member for West Perth, it was hardly necessary to introduce the amendment. The Minister is endeavouring to get passed into law clauses that were fully discussed when the original measure was before us. The Bill passed on that occasion certainly represented an endurance test between the managers representing the two Houses, and on the whole it seems to have worked satisfactorily. Once more the Minister is attempting to bring within the purview of the Act the Western Australian branch of the Australian Workers' Union. If that union covered only one section of industry, or only one industry, I do not think any objection could be raised to the proposal, but the effect of the amendment would be far-reaching, and it would be quite possible to bring the whole of the rural workers under the provisions of the Act. That would have the effect of inflicting injury on the primary producers of the State. A former Minister of the Crown spent a considerable portion of his time going to railway sidings and endeavouring to bring under the provisions of an award or agreement men who were engaged in the handling of wheat. It was asked that they should be granted a 44-hour week and other conditions. You, Mr. Speaker, are a farmer, and you know the hardship that would be inflicted upon men who have to cart their wheat many miles to a siding if that proposal were agreed to. To stipulate that men handling wheat at the sidings should work not more than 44 hours a week would not have the effect of reducing the cost of production. We know that the handling of wheat at many sidings has been undertaken by men willing to meet the convenience of farmers who arrive with their loads at all hours of the day and night.

Mr. Latham: It is all contract work.

Mr. THOMSON: Yes. Some interesting figures given to-day show that in 1915, when wheat was bringing 4s. 4d. per bushel, 14s. a day was paid for the handling of wheat at sidings. Last year, when the price averaged 4s. 1 1-8d., the pay was £1 a day. Now the men are asking for 25s. on the 44-hour basis. Can we wonder if members representing the primary producing interests should have cause for complaint?

The Minister for Works: It is not fair to deal with a case that is sub judice.

Mr. THOMSON: This union embraces many sections of workers.

The Minister for Works: It is not decent to deal with that case now.

Mr. THOMSON: It was hardly decent for members to discuss the decision of a judge earlier in the proceedings.

Mr. Chesson: Two wrongs do not make a right.

Mr. THOMSON: I doubt the wisdom of the clause that provides for the A.W.U. being brought under the provisions of the Act.

Mr. Kenneally: The hon. member has previously said we should direct the Arbitration Court.

Mr. THOMSON: The member for East Perth was prepared to direct a Supreme Court judge how he should give his decision. Let us endeavour to confine our attention to this Bill. We say it is essential to reduce the cost of production. On the other hand, an endeavour is being made to increase the cost of handling, which of necessity means increasing the cost of production.

The Minister for Works: The A.W.U. is registered in connection with the agricultural industry.

Mr. THOMSON: The A.W.U. has not been registered.

The Minister for Works: Three of its branches have been registered.

Mr. THOMSON: Yes. If this clause is passed it will mean that the common rule principle will apply to the A.W.U.

Hon. G. Taylor: You object to that provision?

Mr. THOMSON: Yes. A case was decided last week showing that a foreigner employed an inexperienced man to do rousabout jobs, but because the man did a certain amount of painting and calsomining he had to be paid a tradesman's wages. I am not in favour of incompetent men doing tradesmen's work. Many persons are willing to give temporary work to others, but if this part of the Bill is carried into effect they will be afraid to do so

lest the men employed should be brought under the terms of some award. If the farming community is brought under some award, the man who is driving a team of horses may have to be paid a plumber's wages. If an employee is replacing a sheet of iron on the stables by means of a few nails, he may have to be paid a plumber's wages. If another man is required to paint the stable doors for an hour or so, he may have to be paid a painter's wages.

The Premier: There will be a bad time ahead for farmers. I must watch this Bill.

Mr. THOMSON: I have no desire to instruct the court, but I do want to prevent the imposition of these restrictions upon industry. The men who are handling wheat at the sidings will be debarred from working more than 44 hours a week.

The Premier: We shall never get away our wheat in time. It may have to be kept until the following harvest.

Mr. THOMSON: Many farmers have to cart their wheat 15 miles. Sometimes they may arrive too late to have their wheat handled at the siding, and may have to wait until the following day because of the necessity of paying overtime rates. These are some of the disabilities which can be imposed upon industry. I am surprised that the Minister has embodied in the Bill the clause preventing a man from doing any work after certain hours. It is the desire of members of the Country Party that every man should be able to work himself out of the ruck. The Bill apparently recognises only two sections of the community—the employers and the employees. For all time the employee must remain one of the employed. He is never to be permitted to get out of those ranks.

Hon. Sir James Mitchell: Or to get away from union fees.

Mr. THOMSON: Men have got out of the ruck simply because they have made good use of their spare time. Imagine a person feeling that he must always start and finish between certain hours in any factory, warehouse or other establishment. It is going to be made unlawful for him to work at his calling outside certain fixed hours, or to engage outside such hours in the production or sale of any article that is produced in his particular calling, subject to such exemptions as the court may determine. I hope that clause will not be passed. I got out of the ruck myself because of the extra time I worked. Had I not been allowed to do this, I should have remained an employee. I do not know of any man who has lifted himself out of the ranks who has not done so by personal effort.

The Minister for Works: Many have put in extra time, but have not got out of the ruck.

Mr. THOMSON: If this Bill is passed, it will be even more difficult for a man to get ahead.

The Minister for Works: How many men did you push down in your effort to climb up?

Mr. THOMSON: That is not a fair thing to say.

The Minister for Works: I do not mean it personally.

Mr. THOMSON: I have never pushed anyone down. I have always honestly endeavoured to help my fellowmen.

The Premier: The Minister means the economic effect.

Mr. THOMSON: When I came to this State I took advantage of the opportunity that offered to start out for myself. In all young countries men and women are afforded opportunities to better their conditions because of the development that is going on. If a person is not permitted in his own business to work extra hours, how is he to get on in life? In my own business we supply the requirements of people in the country districts, which are served by only one train a week. Members of my family frequently work late hours in order to supply some requirements for settlers who may have travelled 15 miles to a siding to pick up the commodities they need for their work. If this clause is enacted, we should be breaking the law by doing so. There would not be time to ask the court for permission to do the work. The restrictive clause is not in the workers' interests. Some men, unfortunately, are doomed to remain for life in one groove, the wage-earning groove; and no man ever dies rich if all his life he works on salary or wages. Why debar any man from doing the little extra that will help him to become ultimately an employer? From a unionist point of view perhaps a good case can be made out for the clause. Unionists may not think it right that Brown or Jones should work an hour or two per day longer in order to become an employer. Many successful employers of the present

time were originally piece workers. They pushed their own barrow, and made five or six shillings a day extra. Thus they got a few pounds ahead, and eventually became employers. The Minister would have done well to confine himself to the clause which he considers vitally important. Let me give an illustration of what can happen. The shearers at a farm in my district declined to shear a farmer's sheep because the farmer's wife—a good cook—was cooking for them and was not a unionist. Ultimately she joined the union. That incident may be treated as hugely ridiculous; nevertheless it shows the length to which some men are prepared to go. If the difficulty had occurred in my case, probably the sheep would have remained unshorn. I regret that this measure, in a time of falling prices and shrinking markets, seeks to impose restrictions which are not in the interests of either the worker or the State.

HON. SIR JAMES MITCHELL (Northam) [8.4]: I am sorry the Bill has been brought down at so late an hour of the session. Probably we shall have to sit a week longer in order to give the measure the consideration it deserves. This is not a question of the Arbitration Act, but a question of bringing back to work people who are out of work because of legislation. In this morning's paper appear statements from Mr. Law, the president of the Employers' Federation, and from Mr. Trayner. I have known Mr. Trayner for years, and have often met him. His statement, I am sorry to say, is not one likely to make for industrial peace, or for work. What is the use of encouraging people to believe that they can have all they earn? There must be some overhead charges, and there must also be deductions for raw materials. Mr. Law puts the case straightforwardly in the interests of the worker as well as the employer. The trouble is that we have too many men out of work nowadays. Our legislation is responsible for many of the unemployed. The Minister for Works asked the member for Katanning how many men he had kicked down in advancing himself. But one cannot rise in life without assisting others to rise. We should seek to pass legislation that will do some good for the workers generally. It is not enough to pass laws that will render more comfortable the men in work, while doing nothing for the men out of work. The Minister's idea is to distribute work evenly over the whole year. But what we require is more work. If the present volume of work is distributed over the whole year, a good many people will have less work during the year. Our legislation should be sound, and our methods should be economical as well as perfectly honest. One thing this Chamber does believe in is industrial arbitration. I think we all agree that no substitute for arbitration has yet been discovered. As the result of taxation by the Federal Government, the State Government and local authorities, we have been taking away so much of the incomes of the people as to prevent the employment of a good many persons. We should realise that we make things, and not money. Not one of us has ever coined a shilling, and it is not likely that any one of us will ever do so. But we have done things which have resulted in work. So far as things are done at the proper cost, it is wise expenditure. Suppose a railway is built at a cost of £3,500 per mile, and suppose that is the right cost; then the £3,500 will live for all time, furnishing employment. But if the line cost £5,250 per mile, the additional £1,750 must be regarded as dead. When we are working we do not make money, but merely make things that are useful, say a railway. It is our duty to make that perfectly clear to everyone equipping a factory or works of any kind: in fact to employer and employee alike. We can also agree that as a class the wage earners probably come first in point of honesty.

The Premier: Probably that is why they are wage earners.

Hon. Sir JAMES MITCHELL: I consider that the wage earners are often greatly deceived. Mr. Trayner's statement of this morning, for example, is utterly wrong. I may say that the worker is often deceived into voting for the Labour Party. Men have been told that if they work slowly, they will have wages for a longer time. On the face of it that seems right. A man with a wife and family to keep may be working on a road, knowing that the next road job will not come out for a month or two. It is against human nature that a man should work himself out of a job if he can help doing so. But as a matter of fact he does work himself out of a job, because slow working allows the costs to pile up and so presently the work must come to an end. If the build-

ing of a mile of railway provides work for a hundred people and if we have to pay 50 per cent. more for the construction of the line than ought to be paid for it, we reduce the chance of our continuing to build railways. But if at the price of the mile of railway we could build a mile and a half, we would be providing work for all time for 150 people. Such things appear to me to be more important than continually passing amendments to the Industrial Arbitration Act. I do not know that we shall do much if we sit for the next fortnight considering this legislation. We should do far more if we could make it clear to the people that Australia is up against it, and that the only way to provide work is to make the available money do far more than it is doing. I do not at all think it necessary to reduce wages, for I believe they can very well remain where they are. But if we could inculcate a better feeling on the part of all concerned, employers as well as workers, we should get a better result for the money available and so we could reduce the cost of living, and by doing that we would be making life very different for all. To-day everything is costing more than it should. Hence unemployment. Of that there is no doubt If the money we have could be actively used and could be kept going there would be no occasion to worry about unemployment. If we could reduce the cost of living of a household by 20 per cent. then instead of £3 per week being spent on groceries it would be reduced by, say, 12s. So the housewife would have all the goods she had before, and 12s. over. Such a happy result would justify us in asking for better work than we are getting to-day. It has to be remembered that all that we manufacture in Australia has to be sold in Australia, and that 80 per cent. of all that is done is done for the men on the bottom rung of the ladder. So all the time we are deceiving them into believing that when we introduce taxation we are doing it against them.

Mr. Thomson: Ultimately they have to pay.

Hon. Sir JAMES MITCHELL: Yes, for 80 per cent. of the spending power of the people of Australia is in the hands of people earning £6 per week or less. It is against them that we are increasing costs by taxation. I do not know why we cannot endeavour to reduce taxation. I mean, not taxation by this Government alone, but taxation by the Federal Government also. Why cannot we determine to do only the things that are necessary to be done to increase production? Why cannot we have in our factories better machinery and better and more interested work? It is astonishing to think that there should be 2,000 people out of work in Perth at this season of the year. On that basis, what will it be like next winter? And we are merely drifting on. We have drifted into the way of letting things go. We have come to believe that the people must have money whether the work is done or not. Of course nothing of the sort can happen. I repeat that on the present wages we can increase comfort, and that the standard of living can be improved with the money now available in Australia for industry. I am certain of that. But the money is costing more from every angle. We have to make the people clearly realise that money is used to create things, and that it is those things that create more work. I am sorry that we should have anybody unemployed in Australia. It does not seem right that it should be so, and indeed it is certainly wrong. Prosperity can come to Australia only when unemployment is abolished. Somebody has said that the Arbitration Court should regulate hours, fix wages and see to it that there is no sweating. If those three things alone were done it would simplify arbitration, make employment more plentiful and remove the fear that many people, both employers and employees, have in their minds to-day. I am not prepared to hurry through with the consideration of this Bill. We have unemployment in our midst. It is the most serious menace in Australia. It has caused the Federal Government to consider the possible suspension of the Migration Agreement, which would inconvenience the Treasurer in the matter of cheap money. We cannot really say that further people shall be brought into Australia when so many people here are out of work. If we were to continue migration at its full flow it might result in still further unemployment.

The Premier: Of course there are large numbers of unemployed in countries where there is no industrial legislation at all.

Hon. Sir JAMES MITCHELL: I do not say that our unemployment is due to industrial legislation alone. I believe in arbitration, but I do not believe in continually tinkering with the arbitration law. If we

say to the worker, "There is work, and there are wages for you, and these are your hours," we have said enough; but what is the use of presenting the workers with wonderful conditions unless we can give them work? I suppose the Arbitration Court is the dullest place in the world for persons unemployed; there is no other place of so little use to them. I believe in arbitration, but I feel we ought to simplify it rather than make it more complex. We are only making living dearer by every movement of the sort. I know there are many men out of work. I know that, first of all because I know that people in small households, particularly if they have no workers' insurance policies, are afraid to give a man a day's work lest something should happen to him, and the employer be involved in compensation. Many people having regard to that possibility are afraid to employ a man because of this Act of ours. Then we have to remember the many cases that have actually reached the court, cases in which the employers have paid what seemed to them the right wage and what seemed to the employees the right wage; both were satisfied. But after a year or two, under some section of the Act it is found that the right wages were not paid. Sometimes, of course, the difference is in favour of the worker; but in many cases there have been prosecutions costing a lot of money without result, and that is just the sort of thing no employer wants to face. We have had in Perth one case in which both the employer and employee were fined for the same offence. My friend the member for Menzies had them both fined under same award. It seemed to me a pretty ridiculous thing.

Mr. Chesson: Perhaps they were signing up the books wrongly.

Hon. Sir JAMES MITCHELL: Yes, they did not sign on, or sign off, or sign something or other as they should have done. There are in the Bill many amendmenuts to which we must object. One that I particularly object to is for the payment of pensions to the assessors. They are not really appointed by the Government: they are appointed by the unions, and all that the Government do is to approve of the appointments. Once in three years the assessors have to be selected by their unions. They are not appointed for more than three years at a time. But why should they be selected for pensions when we have to deny pensions to so many officers who have worked hard in the public service for many years? It appears to me to be wrong. Of course the Minister argues that the assessors occupy much the same position as the president. But that is not so. We believe it right to give the president of the court all the privileges that are given to a judge of the Supreme Court. But these assessors, it seems to me, are in the same position as any other person employed in the Government service. Nevertheless they reach a substantial pension. After 12 years of service they come into a pension, equal to one-fourth of their salary, and after 16 years one-half their salary may be paid as pension. I think the salary of the assessors is £800 a year, so it will be seen that their maximum pension reaches £400. That is after 16 years. With the exception of a judge, nobody joining the Public Service would get such a pension in future.

The Minister for Works: I think some of them get more. Some get as much as two-thirds of their salaries.

Hon. Sir JAMES MITCHELL: In the Public Service an officer gets as pension one sixtieth of his salary for every year of service. One can get more than half his pay by way of pension if his service has been for 30 years. In any case, how can we carry a proposal like this when we deny it to those who are in the service and whose claims for recognition are just as strong as those of the members of the Arbitration Court?

The Minister for Works: Let us bring it in for all members of Parliament.

Hon. Sir JAMES MITCHELL: I do not think it would be carried. One would like to treat with consideration all men who work for the Government, no matter in what capacity. Every day we meet old fellows, from the railways for instance, 65 years of age, and whose cases are worthy of consideration. So it is with a great many other people amongst other sections of the community. I think the House will have to ask the assessors to do without a pension.. The Minister says they are doing good work, but their position is no more responsible than that of the Premier, and they are really not judges in the ordinary sense of the term. They are more or less partisans and it does not seem right that we should agree to grant them pen-

sions. We pay them fairly well for the work they do. The Minister knows better than I do what work they have done in the last three or four years, and he has told us that there is continuous work for the court to do, and that their duties have been satisfactorily performed. We expect that of the members of the court for the money they draw, I think £800 a year. I do not object to the salary.

The Premier: There is no more responsible position in the State.

Hon. Sir JAMES MITCHELL: I quite realise the responsibility.

The Premier: Their decisions can have a tremendous influence on industry.

Hon. Sir JAMES MITCHELL: If we appointed three judges to the position, it would be a different matter, but the assessors are partisans. We know that Mr. Somerville, who is a very experienced man, is there to represent the workers, and that the employers' representative is sent there to represent them. Personally I think we could do without assessors and thus save £1,600 a year. After all, the President has to do the work. The assessors may help, and I hope they do, but they are not of sufficient help to justify their being singled out as people entitled to receive a pension. In any case, this is largely a Committee Bill and I hope when it reaches the Committee stage it will receive the consideration of members who understand arbitration.

MR. SAMPSON (Swan) [8.35]: I believe you, Mr. Speaker, had the honour of bringing in the first measure dealing with arbitration.

Members: No.

Mr. SAMPSON: Well, then, an important amendment in 1912. Prior to that great hopes were expressed for the success that would follow the introduction of legislation to provide for arbitration. To an extent it has been successful, but not nearly as successful as was hoped. It is significant to note that during the years that arbitration has been in existence, wages have been steadily increasing, and side by side with that increase the purchasing power of money has decreased. It will be admitted, at all events, that arbitration has proved successful to some extent. But it is a success that I think is open to some question. The problem facing those interested in industrialism in this State and elsewhere is how the people who are most concerned would shape if it should so happen that there was a wages decrease. I am inclined to think that the so frequently advocated method, the round-table conference, or wages boards, will prove more effective than the Arbitration Court.

The Premier: The Arbitration Act does not prevent round-table conferences being held.

Mr. SAMPSON: I was about to observe that the work of the court has been liberalised, and there is not the formality or difficulty about approaching it that existed at one time. I regret to note that there is to be the customary debate over certain matters which, if I may say so, will be bound to result in failure. They are foredoomed to failure. There is the case of the canvassers employed by insurance companies, and particularly the case of the one-man baker. The Minister has made reference to the wickedness or immorality, or undesirability, of men working beyond a certain stage, starting work earlier than a certain hour and continuing beyond a certain hour —even in the case of those who are engaged in an endeavour to establish businesses for themselves. I cannot imagine this legislation ever being successful, and I doubt, too, whether the Minister himself has not been guilty, at least in his earlier years, of working longer hours than are prescribed in most awards.

The Minister for Works: I work longer hours than any man in this country; and there are no 44 hours for Ministers, and no pensions either.

Mr. SAMPSON: I have no intention at the moment of assisting to provide for a pension for the Minister.

The Minister for Works: Why not?

Mr. SAMPSON: The matter of a pension I do not think will cause the Minister much concern. Like myself, he is well protected so far as the future is concerned, and of course that is a very good thing.

Mr. Kenneally: In any case, he has an assured Ministerial career, assured for the next 10 or 15 years.

Mr. SAMPSON: The hon. interjector has an assured and a remarkable imagination. The Minister worked overtime and long hours in his own particular trade and at the finish of the day's work I can imagine him wrestling with some industrial problem.

The Premier: He would not be depriving anyone else of a job.

Mr. SAMPSON: No, but I do not know that the result has been beneficial, because now we find the Minister going over the cliff entirely. If this Bill, described by the member for West Perth as detestable, goes through, the Minister will limit the number of hours and place that limit on the statute-book. But I shall be very much surprised if the proposal gets through. I should be very sorry indeed to see anyone desirous of starting in business on his own account being prevented from doing so by this Bill. Sitting here to-night I thought of that wonderful Scot, MacRobertson of Melbourne, who started from small beginnings and no doubt worked very long hours, and who is now one of the most philanthropic of Australians.

The Premier: There is some doubt about his nationality if he is philanthropic.

Mr. SAMPSON: It is alleged that he is a Scot: he bears a Scottish name.

Mr. Kenneally: And he will not employ anyone but a unionist.

Mr. SAMPSON: This man MacRobertson, the great confectioner of Melbourne, or I should say the Commonwealth——

The Premier: You are now giving MacRobertson's sweets a free advertisement.

Mr. SAMPSON: He is a very generous man and a great help to those institutions that are in need. But my object in referring to MacRobertson was to state that if this notorious clause had been in existence in Victoria, MacRobertson would have been prevented from establishing a business there, and so the Minister for Works, had he been in control, would have done a brother Scot a serious injury.

The Premier: MacRobertson was never a wage-earner.

Mr. SAMPSON: I am not dealing with wage-earners, I am dealing with employers, and it is in connection with employers that the Minister is anxious to restrict their operations. His desire is to see that they shall not work beyond a certain number of hours per day. It is a great pity that the Minister for Works will not permit that sort of thing to be done, and according to Clause 27 if a man works beyond a certain period he will be doing wrong. Some of the clauses of the Bill will have my support, but I hesitate to believe that any appreciable section of the House will support Clause 27. Even the member for East Perth (Mr. Kenneally) will have his loyalty strained considerably before he will be able to support it. Should that clause be agreed to, it will be goodbye to any reasonable opportunity of success in an attempt to establish a business. I regret that on different occasions, notwithstanding the fact that we have an Arbitration Act, there have been industrial troubles. From time to time decisions of the Arbitration Court have not been obeyed.

Mr Sleeman: The master printers are responsible for some of that.

Mr. SAMPSON: The master printers can provide a case in point. In 1928 there was trouble in the printing industry.

Mr. Sleeman: You know something about that.

Mr. SAMPSON: For 13 weeks and two days, there was a cessation of work due to the actions of members of the P.I.E.U.

The Premier: Was that not because of the attitude of one or two obstinate employers?

Mr. SAMPSON: It was because those who were working in the various printing offices did not observe the award. Unfortunately the Government sat idly by and did not take steps that might have been taken, to bring about a resumption of work. It was a serious matter, and I am not exaggerating when I say that a large number of those who were compelled by their fellow workers to strike, bitterly regretted the fact. They were out of work for several weeks, and it was a time of great stress for both employers and employees.

Mr. Sleeman: Some of the men could not work because they were in prison.

Mr. SAMPSON: The hon. member must be referring to the newspaper strike, not to the jobbing trouble. The whole thing was regrettable. I would like to see it made mandatory that before a cessation of work occurred, a secret ballot should be taken. I have great faith in the majority of those employed in the printing industry, and I believe that had a secret ballot been taken, there would have been no cessation of work.

The Premier: There had been another secret ballot taken in the Federal arena.

Mr. Thomson: That was rather different.

The Premier: It preceded another very successful ballot.

Mr. SAMPSON: Had a secret ballot been conducted at the time, the industrial

trouble would have ended quickly. Such happenings are bad for all concerned. It is of no advantage to the employer to have his employees out of work week after week, and it certainly is of no advantage to the employees that the employers should be brought to ruin.

The Premier: The same sort of thing existed before we had any arbitration laws at all.

Mr. SAMPSON: That is so. It is to be regretted, notwithstanding the earnest efforts so many people have made with regard to our arbitration laws, that those laws have not achieved all that was anticipated. I believe arbitration has done a lot of good.

The Minister for Works: Has any single law entirely achieved what was anticipated?

Mr. SAMPSON: In this instance, it is certainly to be regretted that greater results have not followed.

The Minister for Works: Yours is the only spot on the sun!

Mr. SAMPSON: It is a very important spot to those who are concerned in the industry. If the Minister were concerned in the industry, he could not view such a condition of affairs with equanimity.

The Premier: When industrial troubles occurred in generations gone by, they were accompanied by riots and more serious trouble.

Mr. SAMPSON: Yes, but in these days there is a good deal of silent suffering among the wives and children. The employer suffers as well as the employees. All are victimes of the trouble. As a matter of fact, the strike weapon is obsolete. In older countries where industrialism has advanced further than it has here, that weapon has been dropped. On my recent trip through the Old Country and Canada, I was frequently asked why it was there were so many strikes in Australia.

Mr. Sleeman: Did you read that statement in the "West Australian" to-day?

Mr. SAMPSON: To the people in Europe, Australia seems to be the land of strikes.

The Premier: What answer did you give?

Mr. SAMPSON: I said that Australia was a young country and probably industrial troubles represented one of the pains of birth. I did not consider, I told them, that strikes were as frequent now as in the past, and that in a little while the workers would realise that strikes were of no advantage to them.

The Premier: The idea that obtains in other countries that Australia is a land of strikes, is due entirely to the fact that the only news from here that appears in the newspapers relates to strikes, murders and droughts.

Mr. Teesdale: Those cables are sent from here.

The Premier: Yes, by the newspaper people—droughts, strikes and murders!

Hon. G. Taylor: That is all you get about Australia in the New Zealand Press.

Mr. SAMPSON: It is a fact that in Australia we have an unduly large number of strikes.

Mr. Kenneally: It is not. Is not the hon. member aware that Australia loses less per head on account of strikes than any other country in the world?

Mr. SAMPSON: The assertion by the member for East Perth does not represent an established fact.

The Premier: But it is a fact.

Mr. SAMPSON: Hon. members know that the position has altered in England. When I was there I had a talk with a factory manager in charge of a large concern outside London. He assured me that the position to-day was different from what it had been for years previously. He told me there was a distinct tendency now for the employees to share in the distribution of profits. There was a more co-operative spirit in the industry. That seems to me one way by which industrial trouble here could be minimised. On the other hand, I understand that the principle of co-operation does not receive approval at the hands of the Labour Party.

Mr. Sleeman: Who told you that?

Mr. SAMPSON: I have a recollection of a printing firm being established on co-operative lines, and objection was raised to its continuation.

The Minister for Works: A firm on co-operative lines—is that not a bit of a mixture?

Mr. SAMPSON: It was a company established on co-operative lines. Hon. members know there have been a number of such examples. They will probably remember Albany Bell, Ltd.

The Minister for Works: That was a deliberate fake.

Hon. W. D. Johnson: It was called co-operative, but co-operation was not practised.

Mr. SAMPSON: It was practised.

The Minister for Works: You are hard pushed for an argument if you can come down to that.

Mr. Sleeman: The member for Swan knows the difference.

Mr. SAMPSON: The memories of the member for Fremantle (Mr. Sleeman) and the member for Guildford (Hon. W. D. Johnson) are proverbially bad.

Mr. Sleeman: You know the difference. The instance you mention was a mere subterfuge, set up for a purpose.

Mr. SAMPSON: I hope that was not so. If it were, it would be wrong. That is not the way to secure industrial peace. I do not wish to say that I do not believe the member for Fremantle, but I feel sure he has been misinformed.

Mr. Sleeman: We have heard of bakeries being established on the same principle.

Mr. SAMPSON: Unfortunately industrial peace has not been secured by legislation, and numbers of unions too often become a wing of a political organisation. In America it has been found that trades unionism advances further when it is kept separate from politics. In Canada and the United States of America——

Mr. Sleeman: And in Malta?

Mr. SAMPSON — greater progress has been made since unionism dissociated itself from political propaganda and political parties. There has been tyranny exercised in connection with unionism.

The Premier: Tyranny! Have you not heard of tyranny exercised by employers?

Mr. SAMPSON: It is quite common in connection with industrial unionism.

The Premier: It is not peculiar to the worker.

Mr. SAMPSON: I can give an instance of the tyranny of a union that may surprise the Premier.

The Premier: I can give you a thousand instances of tyranny on the part of the bosses.

Mr. SAMPSON: I shall give an instance in which a brother worker was victimised. The man I refer to is a returned soldier. He had been out of work for some time; he was married and had two or three children. He sought to obtain work, and was notified that he had to have a union ticket. He said he would buy a union ticket if they would give him time to pay for it.

Hon. G. Taylor: He wanted it on the time payment system.

Mr. SAMPSON: Yes. I rang up the secretary of the union and asked whether he would allow the man to have a ticket and to give him time within which to pay.

Mr. Sleeman: Why didn't you buy it for him?

Mr. SAMPSON: I expected that remark to come from the union secretary. On the other hand, I was advised by that gentleman that the man could not get a ticket. He said, "So far as I am concerned, he will not have a ticket. I will submit the matter to the committee and let you know later. So far as I am concerned I will be sorry if he gets the ticket at all."

Hon. G. Taylor: What was the charge against him?

Mr. SAMPSON: He had already worked without a ticket.

Mr. Thomson: What a wicked thing to do!

Mr. SAMPSON: Yes; possibly he did it in ignorance of the tyrannical law of the union but they would not allow the man to work without a ticket.

The Premier: That is exactly what Hughes is suffering from at the hands of a political organisation in the East.

Mr. SAMPSON: But his salary goes on, and he is able to take a little food home with him!

The Minister for Works: That was no fault of the party.

Mr. SAMPSON: I feel that this is a reflection on our boasted civilisation. What a reflection on that inscription to be read on a certain building in Beaufort-street!

Mr. Sleeman: Are you speaking of political tyranny now?

Mr. SAMPSON: I am speaking of the tyranny that prevents a man from working unless he pays tribute to some union and holds a union ticket. The hon. member surely does not stand for that! Nobody does individually. It was the man's only offence that he had worked without a union ticket. Members on this side of the House are said to be non-unionists, but if one went through the ranks of the Opposition, I suppose it would be quite exceptional to find a man who had not previously been a member of a union.

The Premier: You were pulled up once for not having a political union ticket.

Mr. SAMPSON: I cannot recall the incident.

Mr. Sleeman: You have a bad memory.

Mr. SAMPSON: There is more in this than meets the eye of the member for Fremantle. I am not sure of the matter to which the Premier is referring.

Mr. Angelo: Were not you one of the big four?

Mr. SAMPSON: That was not because I did not belong to the party. I was saying that most members here have belonged to a union, and if they again engaged in occupations, they would rejoin.

Mr. Kenneally: They have forgotten most of the principles of unionism.

Mr. SAMPSON: Not at all.

The Premier: Steps were taken to destroy you politically and in every other way because you were at fault.

Mr. SAMPSON: I think that was merely a gesture.

The Premier: A pretty severe gesture.

Mr. SAMPSON: A gesture of discipline, perhaps, but beyond that nothing was done.

The Premier: It was "Off with his head!"

Mr. SAMPSON: There may have been some reason for it.

The Premier: No doubt there was.

Mr. SAMPSON: But I have never been informed of it.

The Premier: The tyranny was all the greater, then, if you were not told of your offence

Mr. SAMPSON: But nobody else suffered.

The Premier: You would have suffered from the execution of the judgment.

Mr. SAMPSON: No one would have suffered in that instance; but the wife and family of the man to whom I have referred did suffer.

The Premier: But there was not very much concern how much you would suffer or anyone else would suffer. It was "off with your head."

Mr. SAMPSON: The two cases are not analogous.

The Premier: Yes, they are.

Mr. SAMPSON: I cannot see any analogy between them.

Mr. Angelo: They refused you endorsement and you were returned.

The Premier: That appears to be the way things are trending now.

Mr. SAMPSON: We should set our minds seriously to the task of improving industrial conditions.

The Premier: How would you start?

Mr. SAMPSON: I would support the introduction of piecework in those industries to which its application was possible.

The Minister for Works: Piecework is possible in all industries under this measure.

Mr. SAMPSON: I hope that means it will be an instruction to the court that piecework shall be directed.

Mr. Sleeman: You are the second one to be instructed in that.

Mr. SAMPSON: It will be a good thing when piecework is admitted. It will be a good thing, too, when Cabinet decides that the first consideration to getting work—the possession of a ticket—as stated by the Minister for Agriculture recently, shall no longer operate. The greatest improvement possible would be in regard to apprenticeship. We suffer from a lack of tradesmen, and I say this notwithstanding the contradictions that are sometimes offered. We have hundreds of unskilled workers. There has never been a word urged in support of the unskilled workers or, if there has been, it has not been seriously regarded. On the other hand, if there is one tradesman out of work, everybody professes amazement, and it is suggested that in the particular trade there is more than sufficient skilled labour. I wish to see an increase in the quota of apprentices in practically every trade. I wish to see the boys of Western Australia given an opportunity to learn a trade. I wish to see the employers given an opportunity to employ Australian tradesmen, instead of being compelled to look overseas for tradesmen when they require them. At present the Australian boy is penalised severely.

Mr. Thomson: We have to bring tradesmen from outside to do the work.

Mr. SAMPSON: Yes, from other countries.

Mr. Thomson: That is the tragedy of it.

Mr. SAMPSON: It is a tragedy. Our boys have to go into the bush and undertake pioneering work, very good work no doubt, but it is unreasonable, improper and unfair that the Australian boy should not be given the same opportunity to learn a trade as the boy in other countries enjoys. In Germany, I am advised, every boy has the right to learn a trade. What a splendid thing it would be if all the boys in Australia had that right! Parents have a very anxious time because they cannot find an opening for their boys.

Mr. Kenneally: And you would rather have them in a dead-end where there is no work after they have qualified.

Mr. SAMPSON: I would rather increase the number of tradesmen, because that would decrease the number of unskilled workers.

Mr. Kenneally: So that there would be three tradesmen for every job.

Mr. SAMPSON: The member for East Perth can view the position without any qualms. I believe he has had the privilege of learning a trade. He was one of the fortunate boys. What about his sons, his nephews, and other boys?

Mr. Kenneally: I hope they will not be reared in dead-end occupations where there will be no work for journeymen after they have qualified.

Mr. SAMPSON: Then I understand the hon. member would prefer them to be brought up to railway construction work and road work, and be what are termed unskilled workers, be of the hundreds of excess men, rather than the odd one or two skilled tradesmen occasionally out of work. Is a man a less capable labourer because he has served an apprenticeship as a bricklayer, a carpenter, or a painter? Of course not.

Mr. Kenneally: You get cheap labour out of them as apprentices and, when they became journeymen, you would make labourers of them. That is the idea.

Mr. SAMPSON: If the hon. member were given an opportunity to speak, he would clinch every argument I am advancing. Many employers would rather not engage apprentices and it is only from a sense of duty that they do so. The apprentice is the only lad that is looked after by the union. The union does not bother about the other boy—the boy doomed to be an unskilled worker. He can continue in the same dead-end occupation and his wages are not considered by any organisation that I know of.

Mr. Kenneally: That is not correct.

Mr. SAMPSON: I say that the boy who is not apprenticed has no one to watch his interests, but the boy who is apprenticed is well paid and the conditions under which he works are good.

Mr. Kenneally: What about the conditions governing the junior workers. There are unions with agreements and awards dealing with the wages and conditions of labour for junior workers.

Mr. SAMPSON: The lads on the way to becoming unskilled workers are not the special care of any organisation. There is no one to stipulate what their hours shall be or what their wages shall be. The apprentice starts at a certain rate of wage——

The Minister for Works: You are talking of something about which you know nothing.

Mr. SAMPSON: And enjoys a prescribed increase periodically, but there is no one to take care of the boys who do not learn a trade. Nor do they receive the good wages paid to a lad learning a trade.

Mr. Kenneally: That is wrong.

Mr. SAMPSON: The position is regrettable because of the fact that the number of unskilled workers is multiplying. If the Minister for Works or the Minister for Agricultural Water Supplies required 500 navvies to-morrow, he could get them without any trouble. In fact, if he advertised for them he would be rushed and overwhelmed in the rush.

The Minister for Agricultural Water Supplies: Did not I bring under notice a lad who had served his apprenticeship and was kicked out of his job.

Mr. SAMPSON: Not kicked out; he had finished his time. He is one person who has been out of work for about three days, and it is a matter of amazement to the Minister that he has not obtained work. But there are hundreds of unskilled workers who have been out of employment for weeks, and no one is surprised at the fact.

Mr. Davy: It cannot do anyone any harm to have a training.

The Minister for Agricultural Water Supplies: Provided he can get employment.

Mr. Davy: If he cannot get employment he is no worse off than a general labourer.

Mr. SAMPSON: I hope the House will exert its efforts and influence towards securing greater consideration for the boys of the State in the direction of providing opportunities for them to learn a trade.

MR. MANN ((Perth) [9.13]: When the Minister was moving the second reading a couple of nights ago, he emphasised some points and passed lightly over others. He emphasised the point about making an agreement a common rule to operate similarly to an award, and I think he convinced most members on his ex parte statement

that to do so would be an advantage. I learn that it will probably be a disadvantage. When a case comes before the court and results in the court delivering an award, every person engaged in the industry is aware of the case being heard and he has an opportunity to make himself conversant with the claims put forward and to be heard in the court. When an agreement is made at a round table conference, probably with only one or at most two employers and an agreement is reached on terms suitable to them and to the union, the first thing that other people in the industry know about it is when they read of it in the newspaper. If other people in the industry had had an opportunity to be heard at the conference, probably a different agreement would have been reached. It will probably inflict hardship upon others in the industry if an agreement is made a common rule, without those persons having some say in the drafting of the agreement. There is that disadvantage about the position.

Mr. Kenneally: They can oppose the application for a common rule.

Mr. MANN: The point about the clause is that the common rule will be made, and the first thing the other people will know about it is when they are advised it is in force.

The Minister for Works: They have a right to object to the making of the common rule; everyone has the right to object if he so desires.

Mr. MANN: If a union cites an industry before the court for new conditions or increased wages everyone engaged in the industry is called to give evidence. If it is a matter of a round table conference with one or two persons in the industry and the union, and a workable agreement suitable to the person interested is reached, that agreement will be registered in the court and become a common rule throughout the industry.

Mr. A. Wansbrough: It can be opposed.

Mr. MANN: It cannot be opposed if it is made a common rule.

The Minister for Works: Application is made to make it a common rule. The court hears the application and anyone can oppose it.

Mr. MANN: That is not as the Minister put it in the second reading.

The Minister for Works: That is the law now.

Mr. MANN: The Minister is endeavouring to amend that.

The Minister for Works: I am not touching it.

Mr. Davy: This amendment will not alter the law as it is now.

Mr. MANN: The Minister's case was that an award could be made a common rule in an industry, but that an agreement could not be made one.

The Minister for Works: No, you have misunderstood the position. An award is a common rule the moment it is delivered.

Mr. MANN: Of course, but not an agreement.

The Minister for Works: You have to make out a case to get an agreement.

Mr. Davy: An agreement can be made a common rule.

Mr. MANN: If the Minister says it is not the intention to make an agreement a common rule without other persons in the industry being heard, I will leave it at that.

Mr. Davy: The Act says the court must invite everyone who thinks he will be affected.

Mr. MANN: When the Minister first brought down this legislation he gave sound reasons why the President of the court should be separate and distinct from the judiciary of the Supreme Court. For some reason he has now felt impelled to suggest that the judge of the Arbitration Court should also be a judge of the Supreme Court. I am not questioning his desire to bring that about, but I do not think he has yet given any good reasons to the House for the change. Something must have occurred since he put up his first proposal to cause him to change his mind and his policy. The court has worked very successfully since Mr. Justice Dwyer has presided over it. I do not know whether it will be in the best interests of industry and of the community that the president should be made a judge of the Supreme Court. In that wider sphere he will be taken up with other work, and will not be able to concentrate upon industrial matters and give his whole time to them as he has done in the past. The last clause in some instances will be unworkable. It has been suggested to me that in the case of the butchering industry considerable hardship may be involved. The starting time is 7 a.m. The Bill will prevent a master butcher from doing that which he has done for many years, going to the market at 4 a.m., or earlier, purchasing his

meat, cutting it up, and getting orders away by the early trains. If this Bill is passed, no such action will be permitted. Even the owner of a shop will be unable to get away orders in time for the early trains. The starting time under the award is 7 a.m., and some of the trains leave at 6 a.m. The Minister has not yet shown how to overcome that difficulty. Other industries will be just as difficult to carry on, and the hardships will be just as great. This is essentially a Committee Bill, and when we reach that stage I shall endeavour to help to secure some necessary amendments.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle—in reply) [9.25]: I wish to touch only upon one or two points. The speeches of members have been mainly directed to the last clause. This had better be left to the Committee stage. The speeches of the Leader of the Opposition and the member for Swan practically traversed the whole field of industrial relationship, and said very little about the Bill. It is generally admitted by all who are interested in industrial questions that we have enjoyed more industrial peace in this State than any other part of the continent. The relationship between employers and employees has been better than in any other State, and has improved each year over the past few years.

Mr. Davy: We are a better lot of people here.

The MINISTER FOR WORKS: There is a broader and more tolerant outlook amongst them than is evident in other States. Evidence of that was given by the President of the Employers' Federation in the course of his annual address to that body last night. The Leader of the Opposition quoted from two of his statements, but he omitted to quote that part in which he said that the relationship between employer and employee was so good that last year had been practically free from all industrial turmoil and that our State was getting on much better than was the rest of the Commonwealth. The member for Swan referred to apprenticeships. No doubt he intended his remarks to be an attack upon trade unions. I wish to remind him that he and I met one night last week at a function that was given to interstate employers in his own industry, the printing industry. A tribute was paid at that function by employers from all parts of the continent to the attention that was given to the training of apprentices in the industry here. They said it was an outstanding feature of the organisation of the employers and the union in the printing trade that so much was being done to train and teach the apprentices we were getting here.

Mr. Sampson: The opportunities are very limited.

The MINISTER FOR WORKS: No doubt the hon. member's remarks were intended for other purposes than to affect members of this House. They had no foundation in fact. If he had desired to make an attack, he should have directed his attention towards the employer who refuses to take apprentices. We brought in an Act to set up a special tribunal to deal with such cases. We had to get past the position the employers took up in regard to apprentices. The hon. member attacked trade unions which are the one body to take apprentices under their wing and see that they become proper journeymen. He has exhibited a narrow view and declined to see the facts. He puts a false interpretation upon the facts. In actual fact, with the exception of the building trade, there are more apprentices available than industry can absorb. Every trade is turning out more than the industry can find work for. Under our industrial arbitration laws we set up a special tribunal to get over the position with regard to apprentices in the building industry. These apprentices are now apprenticed to a board. We are turning out a fine class of tradesmen who in turn will supply the requirements of the industries which need them. Instead of the hon. member's attack being directed against trade unions, it should have been directed against his own class. There is evidence staring him in the face, but he has allowed his eyes to be directed into other channels. The arbitration laws permit piece work, and the court has granted it in certain instances. Piecework is provided for in the printing trade. If employers can convince the court that all the facts are on their side and all the logic is behind their organisation, there will be no trouble about convincing it that they are right. No amount of talk in this Chamber will do any good. We have established a tribunal to award conditions, and this tribunal has awarded piecework. It can do everything the hon. member wants, provided he has the right case to advance, the right evidence and logic on his side. Wherever employers have been able to prove their case, they have got a decision. They cannot prove what they say.

Mr. Sampson: How do you know?

The MINISTER FOR WORKS: The court has decided against the hon. member whenever he has approached it.

Mr. Sampson: The provision for piecework is not passed yet.

The MINISTER FOR WORKS: It has been the law since 1912.

Mr. Sampson: Only to a limited extent.

The MINISTER FOR WORKS: That shows how much he knows about it. He has not the least of idea of the real position. He has been talking to the moon.

Mr. Sampson: I was talking to the Minister.

The MINISTER FOR WORKS: His interjection shows that he has not read the Bill. There is no reference in it to piecework. That is the law of the land now. There has been piecework in his industry for as many years as it has been here.

Mr. Sampson: No.

The MINISTER FOR WORKS: What nonsense! Why does the hon. member not speak the facts? Ever since there has been a linotype in the country there has been piecework.

Mr. Sampson: Only to a limited extent.

The MINISTER FOR WORKS: The hon. member says the Bill is not yet passed to provide piecework in his own industry. That has been the law of the land for years. His remark shows what he knows about his own industry! What ridiculous nonsense to detain the House with—matters that have no relationship to the Bill, but merely represent propaganda.

Mr. Sampson: Piecework is not in operation in the printing industry, except in certain newspaper offices.

The MINISTER FOR WORKS: What is the use of taking any notice of the hon. member? He speaks like a novice. I shall not waste any further time on him. The complete exposure he has brought on himself should be enough for him. He should not open his mouth again on this subject. The point raised by the member for West Perth (Mr. Davy) in relation to the clause which I say is the most important of the Bill, relates to agreements being made common rules. In Committee I shall undertake to furnish quotations from the Arbitration Court members, from the Employers' Federation, and from the Trades Hall, all disagreeing with the viewpoint put up by the hon. member. Although the Full Court says that an agreement which is made a common rule has the effect of an award, the Arbitration Court says that such an agreement is not an award but remains an agreement. When people go to the Arbitration Court under an agreement, the court says to them, "You cannot come here except in case of a dispute. There is an agreement current, and so there cannot be a dispute." Thus an agreement which has been made a common rule goes on in perpetuity. It is not an award. The Arbitration Court can alter, amend or rescind an award, but cannot alter an agreement.

Mr. Davy: The Full Court did not say anything of the kind.

The MINISTER FOR WORKS: But the Arbitration Court said the Full Court did say so. It is for the Arbitration Court to put an interpretation on the Full Court's decision. Moreover, the view is not confined to members of the Arbitration Court, because the Employers' Federation have pointed out the position in their journal, saying they could not conceive of a situation where the making of an agreement into a common rule could be considered favourably. The Arbitration Court said the same thing. If that is the position, it is a fairly serious position. The Full Court says people cannot retire from an agreement.

Mr. Davy: Neither can one retire from an award.

The MINISTER FOR WORKS: But the Arbitration Court can deal with applications to revise an award. On the other hand, the Arbitration Court say they will not deal with an application to revise an agreement.

Mr. Davy: But the Full Court did not say that.

The MINISTER FOR WORKS: No; but the Arbitration Court have said it. The Arbitration Court say that is the effect of the Full Court's decision.

Hon. G. Taylor: The Full Court did not say that.

The MINISTER FOR WORKS: I do not think the Full Court understood for a moment how far their decision went.

Mr. Davy: I am sure they did.

The MINISTER FOR WORKS: I am sure they did not. What do the Full Court know about the Arbitration Court?

Hon. Sir James Mitchell: What is the use of a provision which judges cannot understand?

The MINISTER FOR WORKS: The ramifications of arbitration are so numerous

and so far-reaching that it takes years to understand them.

Mr. Davy: Two of the judges who gave that decision had been presidents of the Arbitration Court.

The MINISTER FOR WORKS: Yes, but for how long? One of those judges, Mr. Justice Burnside, gave decisions absolutely contrary to what he had held in the Arbitration Court.

Mr. Davy: The Fletcher case was never before the Full Court.

The MINISTER FOR WORKS: But it arose out of Parker's case, and in that case Mr. Justice Burnside gave a decision absolutely contrary to decisions he had given in the Arbitration Court. Once he had been removed from the arbitration tribunal, he seemed to fail to appreciate the far-reaching effects of decisions bearing on industrial arbitration law. There are only two points in the Bill which are at all intricate. All the other clauses are machinery clauses tending towards smoother working. Only the last clause has been singled out for opposition. That clause is highly important, because right up to the decision which I have mentioned, there was good, smooth working, and many agreements and numerous round-table conferences resulted. Both sides have been encouraged in that respect, and it would be a great pity if the system were to be broken down and no further agreements made. I hope that in Committee I shall be able to convince hon. members that the clause is absolutely essential.

Hon. G. Taylor: Can you convince the Full Court?

The MINISTER FOR WORKS: The Arbitration Court and not the Full Court administer the Arbitration Act. The member for West Perth has entirely misconstrued the decision.

Mr. Davy: I have read the judgment of the Full Court.

The MINISTER FOR WORKS: I am positive the hon. member is wrong. He is the one man, apparently, who views the matter from the aspect to which he has given expression to-night. He is like the one soldier in the regiment who was in step. All other persons with whom I have discussed the subject agree that the Full Court's decision renders agreements impossible.

Mr. Davy: You are quite wrong.

The MINISTER FOR WORKS: At all events, the decision of the Arbitration Court goes; and the members of that court have asked for the law to be amended. It is no use for an hon. member to stand up here and declare that everybody else is wrong. I believe that the evidence which I shall bring forward in Committee will overwhelm the hon. member.

Question put and passed.

Bill read a second time.

BILL—MAIN ROADS ACT AMENDMENT.

Returned from the Council with amendments.

BILL—TRANSFER OF LAND ACT AMENDMENT (NO. 2).

Second Reading.

MR. DAVY (West Perth) [9.24] in moving the second reading said: One can say extremely little about this measure, which is really not of serious importance. I will define to the House what its purpose its. Instruments under the Transfer of Land Act at present require to be attested by certain classes of persons. The Bill proposes to substitute for the present list of persons before whom these documents may be attested, a new list. I am informed that the whole of the persons described appeared originally in another Bill which was prepared by the Government, but the list was for some reason excluded from the larger Bill. The present measure is an embodiment of certain clauses of the larger Bill. I cannot conceive that anybody will object to this or to any other provision in the Bill. The list comprises persons before whom instruments and powers of attorney may be attested within the limits of Western Australia, and then it goes beyond the limits of Western Australia but within the British Dominions, and finally it goes to countries outside the British Dominions. The only object in having special classes of witnesses to particular documents is that one may be sure the witness is a responsible and reputable person and one who may easily be found in case of his being required to identify the signature.

Mr. Latham: A seal should accompany the attestation, should it not?

Mr. DAVY: No; a seal is not required. In our case, for example, one of the witnesses capable of attesting is the Agent General. I see no objection to any of the people who are set forth as suitable witnesses.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading.

Read a third time and *passed.*

House adjourned at 9.48 p.m.

Legislative Council.

Tuesday, 26th November, 1929.

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

QUESTIONS (2)—RAILWAY CONSTRUCTION.

Mileage.

Hon. H. SEDDON asked the Chief Secretary: 1, What was the total mileage of railway construction in each year since 1924? 2, What was the total cost per mile in each case?

The CHIEF SECRETARY replied: Railway, Date handed over, Length of line, and Cost per mile: Busselton-Margaret River—7-11-24, 41m. 50c.; £4,318. Narembeen-Merredin—16-3-25, 53m. 23c.; £4,200. Margaret River-Flinders Bay—1-4-25, 25m. 20c.; £2,766. Piawaning Northwards—6-8-25, 26m. 66c.; £4,014. Esperance Northwards—1-9-25, 66m. 40c.; £4,696. Lake Grace-Newdegate—15-2-26, 38m. 60c.; £2,916. Dwarda-Narrogin—18-9-26, 36m. 42c.; £5,009. Jardee-Pemberton—10-10-26, 17m. 00c.; £3,752. Norseman-Salmon Gums—8-8-27, 58m. 49c.; £3,645. Ejanding Northwards and North Spur—15-4-29, 68m. 55c.; £4,402. Hay River Deviation—4-6-29, 6m. 20c.; £10,491. Albany-Denmark Extension—11-6-29, 34m. 16c.; £9,298. Lake Brown-Bullfinch—22-7-29, 50m. 28c.; £3,321. Total—523m. 69c.

Note.—The above costs do not include Departmental charges or interest.

Boyup Brook-Cranbrook Line.

Hon. W. J. MANN asked the Chief Secretary: When do the Government propose to commence the construction of the Boyup Brook-Cranbrook railway, which was authorised by Parliament in 1926, and for which £451,000 was authorised to be expended under the £34,000,000 Migration and Development Agreement in the same year?

The CHIEF SECRETARY replied: The construction of the Boyup Brook-Cranbrook Railway will receive early consideration, in conjunction with other railways which have been authorised by Parliament, but not yet commenced.

QUESTION—PERTH-FREMANTLE ROAD, DEVIATION.

Hon. H. J. YELLAND asked the Chief Secretary: 1, What has been the cost to date of the road deviation near the ropeworks bend on the Perth-Fremantle Road? 2, What is the estimated cost when completed? 3, What length of road is affected? 4, When was it started? 5, When will it be completed?

The CHIEF SECRETARY replied: 1, £4,328. 2, £6,900. 3, 2,400 feet. 4, 29th June, 1929. 5, About the end of the present year.