Legislative Assembly,

Thursday, 27th September, 1900.

Papers presented—Governor General of Australia, to visit W.A. (Telegrams)—Question: Locomotives Built at Fremantle, particulars—Question: Police Station, Mount Wittenoom—Question: Collie-Doodlekine Railway, a Survey—Cottesloe, etc., Electric Light and Power Bill (private), as to Evidence in Opposition—Payment of Members Bill (Referendum), first reading—Constitution Amendment Bill (Members of Federal Parliament, to disqualify), first reading—Perth Electric Tramways Lighting and Power Bill (private), first reading, referred to Select Committee—Industrial Conciliation and Arbitration Bill, Committee resumed, Clause 5 to end, Division on new clause (Railways), reported—Adjournment.

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

PRAYERS.

PAPERS PRESENTED.

By the PREMIER: 1, Payments to Mr. Dreyer (surveys), Return as ordered; 2, Aborigines Imprisoned for Desertion from Service, Return as ordered.

Ordered to lie on the table.

GOVERNOR GENERAL OF AUSTRALIA, TO VISIT W.A.

THE PREMIER (Right Hon. Sir J. Forrest): Before we proceed with the business of the day, I would like to read, for the information of hon. members, a copy of a telegram I despatched through His Excellency the Administrator to the Secretary of State, also the reply received to-day, in reference to the Governor General, Lord Hopetoun, breaking his journey at Western Australia. On the 22nd of September His Excellency the Administrator sent the following cablegram to the Secretary of State:

> Ministers desire to cordially invite Lord Hopetoun to break his journey to the seat of Government by a short stay in Western Australia, in order to give the people an opportunity of tendering to Her Majesty's representative, the first Governor General, a loyal and enthusiastic welcome at the first port of call in the new Commonwealth.

To-day the following reply was received from the Secretary of State, by the Administrator:

> In reply to your telegram 22nd September, Lord Hopetoun extremely pleased to accept kind invitation to break journey at Perth, for not more than one night.

MR. A. FORREST: What about Fremantle?

QUESTION—LOCOMOTIVES BUILT AT FREMANTLE, PARTICULARS.

MR. RASON asked the Commissioner of Railways: 1, How many locomotives have been completely erected at the Fremantle shops. 2, The average time employed in such erection from date of commencement of erection to turning out under steam ready for hauling. 3, The total number of loco. engines owned by the Government Railways at date. 4, The number stabled for repairs. 5, How many ordinary low-sided wagons have been completely erected at the Fremantle shops. 6, The average time employed in such erection. 7, The number of wagon frames complete (except woodwork) now on hand.

THE COMMISSIONER OF RAILWAYS (Hon. B. C. Wood) replied:—1, 203. 2, Six days. 3, 233. 4, 21. 5, 850. There are also 65 of these wagons of which no record can be found as to where they were erected. 6, Three days. 7, 135 sets.

QUESTION—POLICE STATION, MOUNT WITTENOOM.

MR. MITCHELL asked the Premier, Whether he will favourably consider the advisability of removing the police station from Mount Wittenoom to somewhere near the present terminus of the Murgoo telephone line?

THE PREMIER replied:—The Commissioner of Police reported that no representations had been made in favour of this removal, and consequently the question had not been considered.

QUESTION—COLLIE-DOODLEKINE RAILWAY, A SURVEY.

MR. ILLINGWORTH (for Mr. Wilson) asked the Director of Public Works, When the Government intend to commence the survey of the proposed railway from Collie to Doodlekine, as promised by the Premier during his recent visit to the Collie?

THE DIRECTOR OF PUBLIC WORKS (Hon. B. C. Wood) replied:—The Government have the matter under consideration.

COTTESLOE, ETC., ELECTRIC LIGHT AND POWER BILL (PRIVATE). AS TO EVIDENCE IN OPPOSITION.

Order of the day read, for Select Committee to report.

MR. HARPER (Chairman of Committees): I wish to recommend that permission be granted to have this treated as an opposed Bill. I have communicated with those interested in the Act that was passed last year, and they have satisfied me by *primâ facie* evidence that it will be to the benefit of the public if this Bill is treated as an opposed Bill; therefore I make this recommendation.

MR. MOORHEAD moved, as Chairman of the Select Committee on the Bill, that the time for bringing up the report be extended to 10th October.

Question put and passed.

PAYMENT OF MEMBERS BILL (REFERENDUM).

Introduced by the PREMIER, and read a first time.

CONSTITUTION AMENDMENT BILL. [MEMBERS OF FEDERAL PARLIAMENT TO DISQUALIFY.]

Introduced by the PREMIER, and read a first time.

PERTH ELECTRIC TRAMWAYS LIGHTING AND POWER BILL (PRIVATE).

Introduced by MR. MOORHEAD, and read a first time.

On further motion by MR. MOORHEAD, Bill referred to a Select Committee, consisting of Mr. A. Forrest, Mr. Hall, Mr. Kingsmill, and Mr. Rason, with the mover; to have power to sit during any adjournment of the House, and to report on 10th October.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

IN COMMITTEE.

Consideration resumed from 25th September; MR. HARPER in the Chair.

Clause 5: Other provisions respecting rules:

MR. DARLOT (for Mr. Wilson) moved that the words "and of the last preceding annual balance-sheet" be inserted after "rules," in line 8.

THE ATTORNEY GENERAL accepted the amendment.

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

Clauses 6 to 18, inclusive—agreed to.

MR. DARLOT: Many important amendments stood in the name of the member for Coolgardie, and that hon. member not being present, could any other member bring them forward without leave from Mr. Morgans?

THE CHAIRMAN: Anyone could propose them.

Clause 19—Parties to industrial agreements defined:

MR. VOSPER: An amendment standing in his name in regard to Clause 18 applied to Clause 19, but he did not intend to move it, as the matter had been threshed out three or four times.

MR. DARLOT: Persons should not be forced into a union if they objected. All these unions should be strong, and this question had not been fully considered previously by the Committee. He moved that the following be added to the clause:

> But nothing in this clause shall render invalid any agreement entered into between an employer and any one or more workers not being or forming an industrial union under the provisions of the Act.

THE ATTORNEY GENERAL: This amendment should be opposed, for it struck at the root of the whole measure, practically meaning that parties could contract themselves out of the Bill. There was nothing in the measure to prevent an employer from making a contract with an individual. The common law was not touched in that respect. It was only where a contract was made with a body of men that this measure would operate. We must not forget that this was the first time we were legislating on the subject, and we were here providing machinery.

MR. VOSPER: The action of the Attorney General in this matter should be supported, because the effect of the amendment would be to destroy the Bill. If the proposed addition were inserted, it would be an inducement to employers not to register, and they could then engage whom they pleased. It would be a condition precedent that the men should be outside a union, and it would discourage people from using the Bill, the consequence being that the measure would become a dead letter.

MR. DARLOT: It was premature for this or any other House to legislate in such a manner as to say that two parties should not perform contracts between themselves. Such legislation as that was altogether too dictatorial.

Amendment put and negatived, and the clause passed.

Clauses 20 to 22, inclusive—agreed to.

Clause 23—Effect of agreement:

MR. DARLOT moved that the last sentence, "And no industrial agreement shall be invalid merely by reason that it is in restraint of trade," be struck out. He would like to hear an explanation from the Attorney General.

THE ATTORNEY GENERAL: If these words were taken out, there would be interminable disputes at the very threshold of this so-called conciliation measure, and the words were inserted in order to avoid such legal objection as might otherwise be raised.

Amendment put and negatived, and the clause passed.

Clause 24 — Provisions for enforcing industrial agreements:

MR. VOSPER said he intended to move an amendment which did not appear on the Notice Paper. Sub-clause 2 contained the words "provided always that any act of intimidation shall constitute a breach of agreement." He proposed to insert after "intimidation" the words "as shown by the conviction of any of the parties thereto."

THE ATTORNEY GENERAL: An amendment would be moved by him to strike these words out, and that should meet the views of the hon. member.

MR. VOSPER: Yes.

THE ATTORNEY GENERAL moved that the proviso, "Provided always that any act of intimidation shall constitute a breach of agreement," be struck out. Supposing the words remained in, we raised at once a difficulty that might be put up by either side at the initial stage of a dispute. One of the parties might say, "You have done something to intimidate us; there has been breach of agreement, and we will now go for the penalties."

MR. VOSPER: Would intimidation be punished in the ordinary way?

THE ATTORNEY GENERAL: Intimidation could be treated by the court in its ordinary jurisdiction.

MR. ILLINGWORTH: An agreement should be kept intact.

THE ATTORNEY GENERAL: Anybody who did not wish to observe the agreement would at once raise the bogey of intimidation. It was far better to leave the jurisdiction entirely to the court.

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

Clauses 25 to 28, inclusive—agreed to.

Clause 29—When matter referred to board or court, no strikes or lockout till decision given:

MR. DARLOT (for Mr. Morgans) moved that there be added to Sub-clause 1, "nor shall be held to debar any employer from dismissing or employing any individual worker at the current rate of wages for his special class of employment."

THE ATTORNEY GENERAL: The amendment was covered by Sub-clause 2. The clause in no way trenched upon the right of the employer to dismiss for good cause, and in such a case the court would not interfere.

Amendment put and negatived, and the clause passed.

Clauses 30 and 31—agreed to.

Clause 32—Provision for first and subsequent elections of boards:

MR. DARLOT (for Mr. Morgans) moved that the following be added to Sub-clause 4, paragraph (*h*):

> Provided the returning officer shall not record the vote of any industrial union unless the same has been previous to the date of such election, for a period of three months, registered as an industrial union, having its registered office in such industrial district.

This would prevent the formation of "mushroom" unions.

THE ATTORNEY GENERAL: The amendment was objectionable. Why should a union have to wait three months before having the right to take advantage of the Bill?

MR. DARLOT: A few people might band together, call themselves a union, and cause a lot of trouble by taking advantage of some ill-feeling in their district; and then the whole organisation might suddenly disband. Much of this would be prevented by the provision for the three months' registration.

MR. VOSPER: The amendment was subversive of its own object. If a mushroom union registered immediately, it could be dealt with immediately by the court; and if such union were formed for the purpose of making trouble, it could, by this amendment, make trouble for three months without the court's

interference; therefore the amendment, far from promoting social peace, would have the opposite effect.

Amendment put and negatived, and the clause passed.

Clauses 33 to 38, inclusive—agreed to.

Clause 39—Quorum of board:

THE ATTORNEY GENERAL moved that in Sub-clause 2 the words "provided that the other members present are a number composed as aforesaid" be struck out. The quorum had to be constituted of an equal number of representatives of either side. In an emergency, the members could appoint a temporary chairman, and thus there must necessarily be an odd number on one side.

MR. ILLINGWORTH: Had the chairman an ordinary vote and a casting vote in in such a case?

THE ATTORNEY GENERAL: Yes.

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

Clauses 40 to 42, inclusive—agreed to.

Clause 43—Members appointed by the Governor deemed elected:

MR. DARLOT moved that the words "Sub-clause 5" be inserted after "Section 32" in line 3.

THE ATTORNEY GENERAL: There was no necessity for the operation of the Bill being confined to that sub-clause.

Amendment put and negatived, and the clause passed.

Clause 44—Mode of referring disputes:

MR. QUINLAN moved that in Sub-clause 1, after the word "board," the following be added:

but the petitioner must find approved security for costs on application to the clerk to the extent of £100; provided always that no union of employers or workers which has not satisfied the judgment of a board or court in all matters of costs of award or penalty can again move the board or court, under any circumstances or under any other name.

This amendment had been drafted after mature consideration by the Builders' and Contractors' Association, the Chamber of Manufactures, the Perth and Fremantle Chambers of Commerce, the Mine Managers' Association of Kalgoorlie, the Coolgardie and Kalgoorlie Chambers of Mines, the Steamship Owners' Association, etcetera. The original recommendation was for a £250 security, but he believed £100 a reasonable amount to prevent any frivolous claims. Anyone having experience of law in the colony would recognise that the provision was proper. In his experience, frivolous cases had been brought into court, therefore some such provision should be made to prevent a repetition of such occurring. The absolute necessity for something of this kind had been found in New Zealand where many pretexts were used for taking a matter into court.

MR. DARLOT: The proposal was a reasonable one. This was one of the chief points that had been overlooked in the New Zealand Act.

THE ATTORNEY GENERAL: The proposal that the petitioner should give security to the extent of £100 before he could be heard was against any principle of litigation in any shape or form. If such a provision were made only unions which had £100 would reap the benefits of the Bill. The object people who had desired to encourage conciliation and arbitration was not that it should be conditional upon the workers depositing £100 before they could have their grievances redressed. Any person could go into a court to-day and issue a writ against another without being asked to deposit a sum of money. There were cases in which this right was abused, but there were many cases in which a person was not in a position to deposit a sum of money, yet had a good cause of action. If a person had been before a court and had an unsatisfied judgment against him, he could not use the procedure of the court until he had satisfied that judgment. In those cases security for costs was granted, but in this case, to ask a person to pay £100 before calling in the aid of the Bill was not reasonable. In regard to the latter part of the amendment, that opened up a very big discussion. An inquiry would have to be entered on to find out if the persons petitioning were the same people who had not satisfied the judgment of the court under another name. There might be only some of the same members in the association, still that might debar the whole of the members of the union petitioning.

MR. WILSON: Previously, when it was proposed that a deposit should be lodged before registration, he opposed the amendment because it was not fair or just that people should be asked to

put up a deposit on registration to enable them to have the benefit of a Bill which they might never avail themselves of. On that occasion he said that he would favour such an amendment as that proposed by the hon. member for Toodyay (Mr. Quinlan). He had an amendment proposing that £250 should be deposited. That was rather much when they considered that the number of members in an association might be a dozen or twenty, therefore he was agreeable to let the amount stand at £100. There should be a deposit to show the *bona fides* of the petitioners and to go towards the payment of costs and award if the case was lost. The Attorney General said there were numerous frivolous cases brought forward in New Zealand, and according to a report which had been read, there were 150 cases per annum in New Zealand.

THE ATTORNEY GENERAL: They were not all frivolous cases.

MR. WILSON: There must of necessity have been a number of frivolous cases amongst the total. It would be a decided advantage to the employers and the employees if we made a fair provision for a deposit, and it would do away with the element of frivolous litigation which was bound to crop up. There were unions with secretaries as well as speculative lawyers who would urge on any little case so that there should be something before the court.

THE ATTORNEY GENERAL: Unless both sides consented, counsel could not appear, and one side was sure to object.

MR. WILSON: Both sides would, he thought, readily agree to counsel appearing. Industries would be kept in a ferment by secretaries who must have some business going on to enable them to maintain their positions. If nothing was before the court some dispute would be raked up, so that the matter could be brought before the Conciliation Board without any intention of going further to the Court of Arbitration; therefore it was necessary to provide that some reasonable sum should be deposited by those who wished to move the court.

THE ATTORNEY GENERAL: According to the official report of the Department of Labour in New Zealand, 1898 there was 48,938 workers registered under the Conciliation Act in that colony, and among that number 150 disputes per annum was certainly very small.

MR. WILSON: Not that number of associations of workers.

THE ATTORNEY GENERAL: No. Still that was an enormous number of workers registered under the Act. It must be borne in mind that if a dispute was frivolous the court had the power, in the event of there being no funds in the union, to make each member pay £10 out of his own pocket. Was it to be supposed that the workers seeking the tribunal would do so out of perversity? They would surely have some solid reason, because if they did not succeed they would have to pay a penalty.

MR. MITCHELL: The sum of £100 was rather large. There might be many small unions who could not deposit that amount. He suggested that £50 should be the amount of the deposit.

MR. QUINLAN said he was willing to accept the suggestion that the deposit should be £50. His experience had been a bitter one; he had been blackmailed, and he did not want to see anyone else served in the same way. It was only reasonable that some deposit should be made.

MR. DARLOT: The sum of £50 would be heavy for a small union, but it would only be a fleabite to large unions. He suggested that the deposit be 10 per cent. on the capital of the union, provided the 10 per cent. were not less than £50. The unions had to show an annual balance-sheet, and by making the deposit substantial the men would be forced into large unions, which would tend to justice for both sides.

MR. MORGANS: The reasons given by the Attorney General were a repetition of what the hon. gentleman said the other night in regard to the power of a large union to force its claims against individual members to the extent of £10 each. That was not a practical way of dealing with the question, because the men were acting in a collective capacity, and if it was reasonable that costs should be given at all, costs should be paid collectively by those who brought the action, and the responsibility of recovering the costs should not be thrown on individual members of the society. The deposits were proposed, not with a view of recovering costs, but for the purpose

of a guarantee for the fulfilment of the award of the court. These cases were quite different to an application in an ordinary case under common law for security for costs, because what was here sought was to have a deposit in order to make the award effective, to which no one could raise any reasonable objection. The time for making the deposit effective had now arrived, and as a deposit of £100 would be a severe tax on a society of only seven men, while for a society of 600 men it would be a very easy matter. Some sliding scale ought to be adopted. He moved that the following words be added after "Board," in line 3 of Subclause 1:

But the petitioner must find approved security for costs on application to the clerk to the extent of £25 when the society numbers 10, the sum of £50 when the society numbers 20, and the sum of £100 when the society numbers 50 or more.

The issues dealt with in relation to a large body of men would be more important than those in the case of a small body, and this amendment would provide an equitable arrangement.

MR. DARLOT said he had much pleasure in supporting the amendment of the member for Coolgardie (Mr. Morgans).

MR. ILLINGWORTH expressed a hope that the Committee would not take the new departure proposed. He knew of no Act of Parliament which compelled people to make a deposit for costs.

MR. MORGANS: This was not a deposit for costs, but a deposit for judgment.

MR. ILLINGWORTH: That was practically the same thing.

MR. MORGANS: No.

MR. ILLINGWORTH: It was known there would be costs in a law suit, but it was not known there would be a judgment, and while there might be some excuse in regard to costs, there could be no excuse for depositing a sum of money for a judgment which might never come to anything.

MR. MORGANS: Then the deposit would be returned.

MR. ILLINGWORTH: The Bill provided that an association could be formed of seven men, who might at the end of the week be absolutely penniless, and yet it was proposed they should make a deposit before they could apply for justice. The amount did not concern him so much as the principle, and as the men, in the ordinary course, would have to find money in order to get a solicitor to take up their case, he could not see his way clear to support the amendment, even if the amount were reduced to £5. The Bill was intended to be conciliatory, and the men ought not to be asked to do what they would not have to do if they were pleading in the Supreme Court.

MR. MOORHEAD: In many instances undoubted hardship would be worked in endeavouring to extract this deposit which was, as pointed out, a novel principle introduced into our judiciary. The member for Coolgardie (Mr. Morgans) endeavoured to draw a distinction between cases in common law, where security was not asked, by dwelling on the fact that it was only costs in that instance which were dealt with. But it was a judgment after all; and in common law no security was asked for costs which were recoverable under the judgment in the same way as the award would be here. There was no distinction in principle between the methods of recovery in what might be termed the judgment in the one instance, and the award in the other. The principle was a bad one, and he would be sorry to see it introduced into the legislature.

MR. DARLOT: It was surprising to hear the member for North Murchison (Mr. Moorhead) make these remarks, considering that he represented working miners, who employed a few hands, were weak in numbers, and in many instances not strong in capital. They had good mines, but all their money was put into those mines; and though there appeared to be an impression that an effort was being made to levy on the workmen, in reality, so far as North Murchison was concerned, if the amendment pressed heavily on anybody, it would press heavily on the employers. No question of man versus master was raised by the Bill, which was an endeavour to do justice to both parties.

THE ATTORNEY GENERAL: It was evident that the member for Coolgardie (Mr. Morgans) did not clearly understand the working of the Bill, because there was a clear distinction between the board and the court, while this amendment was

made to apply to both. The board mentioned was the Board of Conciliation, and its functions were entirely of a persuasive character: it could give no judgment or award. Why should the workers be asked to make a deposit on going before a Conciliation Board which could give no decision of a coercive character?

MR. ILLINGWORTH: The board could not even give costs.

THE ATTORNEY GENERAL: The board could not even give costs, but could simply recommend the parties to accept what was deemed a fair thing. The board resolved so-and-so, and submitted the decision to the parties, who, if they did not agree to accept it, could go to the Arbitration Court, which had coercive power. The first stage was purely conciliatory, and it was hard to see how the Bill would achieve its object if this condition of a deposit, which was absurd on the face of it, were imposed. The proposal violated the fundamental principle of our jurisprudence, which was that no man should be hampered in any way in going to the tribunals of his country for justice. He could understand a clause providing that a union which had not satisfied the award of the court could not take advantage of the provisions; but it was wrong to lay it down as a principle that all persons who might for the first time avail themselves of the Bill should deposit a large sum for costs.

MR. MORGANS: The Attorney General did not appear to be quite fair in his criticism, because the proposal was made, not with the object of ensuring costs, but simply to have some security for the award when given. The employer had to make a deposit as security, and why not the other side also? It was all very well to talk about this amendment being an innovation in common law, but the whole Bill was an innovation. It was an innovation on the ordinary system of commercial and industrial life. He believed there was only one country in the world where it had been put into effect, that being New Zealand. We had heard a great deal from the Attorney General as to the working of this Act in New Zealand, but the hon. gentleman quite forgot numerous instances in which people said the Act had not been a great success, but had involved a great deal of serious difficulty and a great deal of loss to the employers. This was special legislation, and therefore we had a perfect right to ask for special guarantees under the Bill. Surely it was not unreasonable to ask that there should be a deposit of £25 by a society numbering 10 men, £50 by a society numbering 20, and £100 from a society numbering 50 or more. If a society was not in a position to put up security for that small amount, it would have very little foundation. The trades unions existing in this colony at the present time would be quite able to put up security for a much larger amount. It was not a fair thing to legislate for one side only. The object of the Bill was the prevention of strikes, and we should be glad if strikes could be avoided under the terms of this Bill, but surely the House was not prepared to pass legislation which was entirely one-sided, and could only be called class legislation, and which would leave the other side entirely without any consideration. He asked the House to adopt the amendment, and would go so far as to divide the House on the question, if necessary.

MR. WILSON: The Attorney General evidently had had no experience of employers with large numbers of workers, or else he would not have taken such a decided view as he had done. When a person could get one or two workers together in any case of dispute he could get reason out of them, but as soon as an organisation was formed, consisting of some hundreds of members, and having paid agents, there was trouble in store. He welcomed the Bill, because if we could get it into good working shape we should avoid strikes. The very fact that 150 cases took place in New Zealand per annum showed that the majority of them were of small moment. The number of workers mentioned as being under the Act in New Zealand, some 50,000, did not bear upon the question at all, because we knew that some unions had, perhaps, two or three thousand members, and, no doubt, we should find the same thing in Western Australia. We had organisations here, there being the Wharf Lumpers' Association, the railway employees, the engine-drivers, and others, who numbered many hundreds, and, as had been pointed out, it would be no hardship for these unions to put up some moderate deposit. Such deposit would be evidence of in-

tention to go right through with the matter. People engaged in a like industry would join together in an association so that they might have a good membership, and, therefore, have a better chance of winning their battles under this Bill, and if they lost they would have a bigger number to bear the cost. He did not think that the employers were asking anything unreasonable, and he hoped the Committee would see its way to pass the amendment.

MR. JAMES: Almost every Parliament here passed measures which conferred new rights upon individuals, and supposing we adopted the position of the member for Coolgardie (Mr. Morgans), if we passed a measure conferring a new right and, therefore, a new obligation upon a person, we ought, at the same time, to confer on an individual who might be sued the privilege of going to the court to call upon the other party to give security for costs. That would be entirely opposed to the principle of legislation dealing either with the creation of tribunals or conferring rights upon individuals which they were entitled to enforce. Not only was the amendment indefensible on that principle, but the principle of the Bill was not to look after the interests of the employer, but the interests of the country, and the country only. We said to the employers and the employed, "You must not strike; you must settle your disputes in the manner indicated by this Bill." If we adopted this amendment, we would be placing a burden on people at the very threshold of the tribunal appealed to. What would be the position of a union desiring to bring its grievances before the board or before the court? We should, if the amendment were passed, say to such union, "You must pay a certain amount of money as a deposit." The interests of the country demanded that we should encourage by every possible means the settlement of these disputes by these particular tribunals. By this Bill we took away from people the right to strike, and yet we should say to them, if the amendment were passed, "If you want to have this matter settled, you must pay a certain amount as a deposit." Instead of discouraging the settlement of disputes we ought to encourage it in every possible way, and not leave a sense of wrong in the minds of individuals, however few they might be.

Amendment put, and negatived on the voices.

MR. WILSON moved that the following words be added:

> Provided always that no union of employers or workers which has not satisfied the judgment of a court in all matters of costs of an award or penalty can again move the court under any circumstances or under any other name, until such judgment be satisfied.

This would appeal to the Committee as being equitable. It merely meant that if an award had been given against an association, whether of employers or employees, and that association failed to abide by the judgment, if damages and costs were given, it should not again come before the court until such judgment had been complied with.

THE ATTORNEY GENERAL: The amendment was worthy of consideration, but was it not far better that a party to a dispute, if not satisfied, should again have recourse to a tribunal rather than to a strike?

MR. MOORHEAD: In such instances, a strike would not have the moral support of the community.

THE ATTORNEY GENERAL: No doubt public opinion would have great influence. It was his duty to accept the amendment, which dealt with reference to the court only, and did not prevent the men from going again before the Conciliation Board.

MR. JAMES: The Attorney General was, of course, accepting the principle of the amendment, and not its wording.

THE ATTORNEY GENERAL: Yes.

Amendment put and passed.

MR. MORGANS moved, as a further amendment, that in Sub-clause 1, after "board," the following be inserted:

> Which application shall set out in full the matters involved in the industrial dispute to be referred to the board, and such reference shall not extend beyond the scope of the matters set out in such notice.

MR. ILLINGWORTH: To allow small matters to be referred, better insert after "not" the words "without the consent of the board or court."

MR. MORGANS accepted the suggestion.

THE ATTORNEY GENERAL: The amendment apparently aimed at giving notice to the other side of the exact

matter in dispute, and at having the dispute confined, as far as possible, to the facts set out in the notice. He would object to the amendment were it not for the alteration suggested by the member for Central Murchison (Mr. Illingworth); for to prevent the court from dealing at once with new matters of a trivial nature which might arise, would be carrying technicalities too far in respect of such a tribunal.

Amendment put and passed.

MR. MORGANS moved that there be added after line seven of Sub-clause 1, the words:

Passed by a majority consisting of three-fourths of the members on the rolls of an industrial union or unions forming an industrial association present and voting by ballot at a meeting specially summoned by notice served upon each and every member, stating the nature of the business to be submitted to the meeting.

MR. ILLINGWORTH: A three-fourths majority could never be obtained.

MR. MORGANS: That was the majority required to upset a limited company.

MR. ILLINGWORTH: The hon. member would be ill-advised to press the amendment. It was not for the Committee to dictate to an association how many members must be present at such a meeting. If only five out of five hundred were present, they could bind the association; and any action they took could be subsequently rescinded. Why should we suggest how an association should control its business? A society might have its members scattered throughout the country, and a three-fourths majority could never be assembled at a meeting. The amendment would be outside the scope of the measure.

MR. MORGANS: The Bill not having yet been passed, its scope was not determined. The amendment had been suggested by various employers' associations on the coast, and on the goldfields, There was no desire to interfere with the deliberations of societies; but if a majority were required to bring a dispute before the court, many silly and vexatious applications would be avoided. Ten members out of a society of one hundred might set the law in motion.

MR. ILLINGWORTH: That was the society's business.

MR. MORGANS: Possibly; but their action would be vexatious. Why not provide a statutory majority?

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

MR. MORGANS (continuing): There was no desire on his part to interfere with the internal working of associations, but there must be some precaution taken to prevent the initiation of proceedings by a fractious minority. Although he firmly believed a well organised and well conducted trades union was a benefit to the community, often preventing strikes and disputes, still the Committee must recognise that the leaders of trades unions very often held too much influence over the members of the union. A very clever leader could often induce men in a meeting to do what in their sober moments the men would not think of doing. Some time ago there was a strike at the Paddington consols mine, which belonged to an English company. The mine had been worked for many years, had a large plant, a large amount of money had been spent on the mine, yet up to the present there had been nothing in the shape of dividends paid. If an investigation of the accounts of this mine were made, it would be found that it had not paid its expenses, and the company had, from time to time, to add funds to the revenue of the mine in order to make both ends meet. A question arose between the miners and the manager in reference to the rate of wages to be paid to a certain class of men, and it ended in a strike. The leaders of the association went to the mine, made what they considered to be an investigation into the circumstances attending the dispute, and decided that the men were to come out. He (Mr. Morgans) knew that a large majority of the men did not want to go out on strike, and, if a ballot had been taken, at least two-thirds of the men would not have gone out on strike, but one of the leaders of the union got up on a tar barrel and addressed the men on the iniquities of the employers and so on, and finally said "Let any 'scab' who is in favour of the employer step forward and put up his right hand." Of course no one came forward, and no one put up his right

hand. The strike took place, but ended finally in the men going back practically on the conditions offered previously. A great deal of valuable time was wasted and many men lost money, the mine being closed up in the meantime. As a rule, amongst trades unions a better spirit and feeling prevailed, with a general desire to come to a reasonable and sensible conclusion; but there were instances where that feeling did not prevail, and men of overpowering influence were able to do a great deal of harm. The amendment was suggested to meet such cases and enable members of a union by a large majority to decide for themselves, and the Bill ought to go further and provide that the voting should be by ballot, because if the ballot box was necessary for the election of members of Parliament, it was equally necessary in determining a question so important as to whether a strike should take place. The member for the Canning (Mr. Wilson) had given notice of an amendment to this clause, providing for a majority instead of a two-thirds majority, and he (Mr. Morgans) would be quite willing to accept that amendment, which would carry out all he had in view. By leave, he would withdraw the amendment he had already moved.

THE CHAIRMAN: The amendment had not been handed in, and, therefore, no leave was necessary for its withdrawal.

MR. WILSON: A better solution of the difficulty than the words of which he had given notice would be the following amendment, which he now moved:

That the words "members present," line 8, be struck out, and the following inserted in lieu thereof, "of the registered members of the union voting by ballot."

That amendment did not of necessity mean that 50 per cent. of the union must attend the meeting, but that 50 per cent. of the members must have received notices containing the resolution to be submitted, and they might either vote personally or send in their proxies. What it was sought to avoid was two or three members, who controlled a union of 500 or 600 men, sending out notices and getting a meeting of fifteen or twenty agitators, who desired trouble at any price, and would carry resolutions binding the whole of the other members. The amendment would not only safeguard the unions but also the employers, against vexatious proceedings, and give every man an opportunity of voting.

MR. GEORGE: By "registered members" were financial members meant?

MR. WILSON: The amendment meant "registered members" under the rules of the society, and it might be presumed they would be financial members.

MR. JAMES: It was difficult to see the object of the amendment, unless it were to restrict the operation of the clause, which plainly and simply provided that the question whether or not a dispute should be referred to the Conciliation Board, must depend on the resolution passed by a majority at a meeting duly called. The clause took particular care to see that the notices summoning the meeting should not only contain full information as to the nature of the business, but should in addition be served on each member, and from the interpretation clause, it would be seen that service did not mean by advertisement, but almost amounted to personal service, seeing that it must be either personally, by registered letter, or left at the member's abode. In addition, the clause provided that the resolution must be passed by a majority of members present, and the only effect of the amendment would be to cause a great deal of doubt. These unions had to make returns once every six months as to the registered members and, as in that time the membership might considerably increase or diminish, it was possible that with a registered membership of 100, 20 or 50 members might have left and others taken their places. What objection could there be to letting the members for the time being determine the question. As to what the majority should be, was another question, which need not be discussed now; and if those who were urging this amendment would direct their attention to inserting a provision for voting by ballot, that would enable the members to vote independently of agitators. The ordinary working man was usually very well able to look after himself, and was not so complete a donkey as to give himself over to agitators. There were too many references to the "poor working man" who seemed to be regarded as a person who could not think for himself, but was always gulled; but those found using

those expressions of sympathy, introduced amendments which did not strike one as consistent. It might surely be assumed that both employers and workmen were independent and reasonable men; and he had heard that in connection with the employers' associations there were leading spirits. He had an idea that in a recent strike at Fremantle, one gentleman took so prominent a part that had he been a workingman, he would have been called an agitator.

MR. WILSON: He was not paid for it.

MR. JAMES: Whether a man was paid or not did not affect the question; and, in any case, there were different ways of paying men. If it were assumed that gentleman was actuated by what he thought to be right, the same credit ought to be given to those who led on behalf of the workmen. He realised there were emergencies in connection with strikes when feeling ran high, and a number of men might think there ought not to have been a strike, but did not feel inclined to place themselves in opposition to other members of their union. That feeling existed not only in connection with trades unions, but in this House and in every community and body of men; and to meet that emergency he could quite understand an amendment providing for voting by ballot. Beyond that, however, he hoped the clause would not be amended. The member for the Canning (Mr. Wilson) did not explain his reasons for the amendment, but the only effect would be to destroy the right of the union for the time being having an opportunity of deciding the question.

THE ATTORNEY GENERAL said he was quite in accord with the proposal that there should be voting by ballot, but he could not agree to an amendment requiring a majority of the registered members. On the goldfields men were in one locality to-day and another to-morrow, and although they might be all registered members, yet notices would not reach them.

MR. WILSON: And yet these men were made liable for £10.

THE ATTORNEY GENERAL: That was the men's look out, because as members of the union, they accepted that liability and risk. But this amendment would work destructively against their organisation, inasmuch (as already pointed out) the notice of the meeting might not reach the registered members through no fault of their own, and they would not be able to vote, and would actually be prevented from submitting themselves to the operation of the Bill. The amendment demanded that there must be a majority of the registered members voting. If that were so, how could we reach those members who, as he had said before, could not vote, and who were away, but who, as the hon. member said, would pay £10? As he (the Attorney General) said before, that payment was their look out, and they were willing to take the risk.

MR. HIGHAM said he was afraid it was the employer's look out.

THE ATTORNEY GENERAL: The employer ought to be very well pleased with it, because it was for his advantage, for he could make the men liable for £10.

MR. GEORGE: Supposing he could not find them?

THE ATTORNEY GENERAL: He might find them afterwards; but perhaps they could not be found at the time when they were wanted to vote on this very important subject, and because they were not to be found we should be preventing the union from passing a motion of this character. The argument used by the member for Coolgardie (Mr. Morgans) about the influence of agitators was clearly altogether beside the question. There was a special proviso that each member must be specially summoned for the meeting, not for general business, but for this particular business. He intended to move an amendment giving additional facilities, so that it would be sufficient for a notice to be delivered or sent by post to these people, because there might be cases in which personal service would be clearly out of the question. He hoped that the Committee would not agree to the amendment, so far as it concerned a majority of registered members.

MR. GEORGE: The difficulty raised by the member for East Perth (Mr. James) and the Attorney General was one which he could not see. He found on turning to the earlier part of the Bill that it said, "a register of members, and the mode in which, and the terms on which, persons shall become or cease to be members, and that no member shall

discontinue his membership without giving at least three months' previous written notice to the secretary of intention so to do."

THE ATTORNEY GENERAL: That referred to change of address.

MR. GEORGE: The Attorney General seemed to think there would be great difficulty by members of a union going about from one part of the country to another. One took it that the outcome of this measure would be that there might be minor unions which would be affiliated, and the main union would decide the whole of these questions. It would not be, say, the sawmills' union, the engineers' union, or any of these single unions, that would decide a matter of this sort, but there would, he believed, be a system of organisation such as existed in some parts of the old country. Men would have their unions, and those unions would appoint delegates, who practically would be the organising and managing directors for the whole of the union. No man would join a workers' union and not keep himself in touch with the secretary and officers in connection with it. What the hon. member for the Canning wished to do was to prevent a strike from being precipitated by the action of a few members of a union.

MR. JAMES: The only difference was that one wanted the clause to apply to registered members, whereas on the other side there was a desire that the clause should stand as drafted.

MR. GEORGE: What was the difference between a registered member and an ordinary member?

MR. JAMES said that was what he wanted to know.

MR. GEORGE: Then why object to the insertion of the word "registered?" The insertion of that word would not destroy the rights of the workers or the rights of the employers, and if it would satisfy a certain section of the House, why should one object?

MR. JAMES: Members wanted to know the reason for it.

MR. GEORGE: If he thought that the insertion of the word would do harm to the workers, he would oppose it as strongly as he would an amendment which would do harm to the employers. Unless this Bill was absolutely fair to both sides, it would be far better for the workers and the employers if it became waste paper.

MR. ILLINGWORTH: There might be a union embracing 500 or 600 members scattered about in different districts, and if it happened to be in a mining part of the country one-third of the members might be working on night-shift. Some of the registered members might have left the colony altogether, and some might be dead, without those at head-quarters knowing of it. If this amendment were carried, a motion at the meeting referred to could not be passed unless those voting for it (including proxies) formed a majority of the registered members of the association. If there happened to be one man short, the meeting would have to be adjourned. In the meantime the strike would go on, or at any rate, inconvenience would be experienced. We were legislating not simply for the workers and the employers, but in the interests of the general public.

MR. MORGANS: There could not be a strike under this Bill.

MR. ILLINGWORTH: This Bill did not prevent a strike. It only permitted that when a strike took place, either side could compel the other side to come to the board. If we passed this Bill, there was nothing to prevent a strike to-morrow. If people were prepared to strike, we could not make them work, and if employers were going to have a lock-out, we could not prevent it; but this Bill said that one of the parties might compel the other party to go to the Board of Conciliation, and from that Board to the Court of Arbitration. A strike might last three weeks before either party put the Bill into operation. According to the amendment now before the Committee there must be a statutory majority of registered members (including proxies) before a union could decide to compel the other party to accept the terms of the Bill. Supposing there were 500 men who were registered members in a union, and members present personally and by proxy numbered 240, the meeting would have to be adjourned, and fresh notices sent out; and the strike would be going on during the whole of the interval. Consequently we should be putting a barrier to the settlement of the dispute.

THE ATTORNEY GENERAL: At the very door.

MR. ILLINGWORTH: Right at the very door, as the Attorney General said. Parties were always sufficiently interested to go to a meeting in sufficient numbers to give a decision of this character.

MR. MORGANS: That was an argument against the hon. member himself.

MR. ILLINGWORTH: A majority of those attending a meeting should be able to settle the question whether the union should appeal to the court or not. As to voting by ballot, he was perfectly in harmony with that idea. The vote should be taken by ballot and there should be no excessive feeling. If provision were made for voting by ballot, we could trust the meeting to see that the Bill would be brought into operation. He hoped the Committee would not follow the hon. member in this particular matter, but be content with inserting the words "voting by ballot."

MR. MORGANS: The last speaker asked us to believe that the amendment would be a bar to the operation of the Bill by requiring an absolute majority of the members present at the union meeting, and then said a sufficient number could always be got together to carry such a motion. The hon. member was arguing against majority rule, an established principle of British public life.

MR. ILLINGWORTH: Not an absolute majority.

MR. MORGANS: Was it likely that a strike involving a number of men would be of such small importance that an absolute majority of one at least could not be secured at a meeting?

MR. ILLINGWORTH: One-third might be on night-shift.

MR. MORGANS: If there were a strike, there would be no night-shift.

MR. GEORGE: Let them send in proxies.

MR. MORGANS: This principle was recognised in every industry. In public companies, all resolutions were carried by fair majorities.

MR. ILLINGWORTH: Not absolute majorities, but majorities of those present.

MR. MORGANS: On a board of directors the majority ruled. At a meeting to deal with a strike, a majority of the members would attend spontaneously. A union, whether of workers or employers, must be taken as one body; therefore a majority should decide the question. How could the principle of the Bill be affected by fixing the required majority? If so, why not wipe out the whole clause?

THE ATTORNEY GENERAL: Surely the last speaker had never been so plausible in argument as he was this evening. Reasoning from the illustration the hon. member had given, the proceedings of Parliament should be determined by absolute majorities of the members elected. Consider the difficulty there was in the House when a statutory majority was requisite.

MR. MORGANS: But in the cases of industrial bodies proxy voting was allowed.

THE ATTORNEY GENERAL: How much business would Parliament do if an absolute majority were required?

MR. MORGANS: There would be no difficulty if proxies were permitted.

THE ATTORNEY GENERAL: The Bill provided that every member of a union must have notice of the meeting and its business. It was unsafe to go further. Why interfere with the internal organisation of labour bodies? From all meetings of associations many indifferent people stayed away; so if an absolute majority were not obtainable, earnest people anxious to settle the dispute would by this amendment be prevented.

MR. WILSON: The Attorney General's argument in a previous speech that many union members might not receive notices was a point in favour of the amendment. It was unfair to say it would be better for the employers that such notices should not be received, for employers did not want any man to be dragged into a dispute without his having a voice in the decision. The member for East Perth (Mr. James) objected that with the proviso for registering members it would be difficult to ascertain whether there was a statutory majority; but that could be obviated by enacting that the names of all persons entitled to vote be sent to the clerk before the vote was taken. To carry to its logical conclusion the argument of the member for Central Murchison (Mr. Illingworth) the whole clause should be struck out.

THE ATTORNEY GENERAL: But that argument was a *reductio ad absurdum*.

MR. WILSON: The hon. member's argument was, if there were a dispute,

the men would go on strike and time would be lost in getting together a majority to vote on the question. Well, time would be lost by having a meeting at all.

MR. JAMES: Then let the clause be struck out.

MR. WILSON: As well do so, if the hon. member's argument were valid. In the old country, in the event of a difficulty, a union took a ballot of its branches throughout the country as to whether there should be a strike. The men had not to attend a meeting, but merely filled up ballot papers; and those on night-shift could vote when they came off work.

MR. JAMES: That could be done under the clause.

MR. WILSON: The amendment would prevent a union member being dragged into a strike of which he had had no notice.

Amendment put, and negatived on the voices.

MR. WILSON moved that the words "and voting by ballot" be inserted after "present," in line 8.

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

Clauses 45 and 46—agreed to.

Clause 47—View by or by direction of the Board:

MR. WILSON: The words "or any other person" should be struck out.

THE ATTORNEY GENERAL: The reason was that an expert might be required.

Clause put and passed.

Clauses 48 to 51, inclusive—agreed to.

Clause 52—Constitution of Court:

THE ATTORNEY GENERAL moved that in line 8, after "employers" the words "or of workers" be inserted; also that in line 9, at the end of paragraph 1, the words "or workers, as the case may be," be inserted.

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

Clauses 53 to 58, inclusive—agreed to.

Clause 59—Sittings of the Court:

MR. GEORGE: Eight hours' notice was not sufficient, considering the distances persons had to travel in this country.

MR. PIESSE: The notice was only for members of the court.

MR. GEORGE: It would be better to give a week's notice.

THE ATTORNEY GENERAL: When the notice reached the person, he then had 48 hours. If there was a necessity for further time, the court would always grant it.

Clause put and passed.

Clauses 60 to 85, inclusive—agreed to.

Clause 86—Jurisdiction of Court to deal with offences:

MR. ILLINGWORTH moved that the following be added, to stand as sub-Clause 5:

> Every penalty imposed under this Act for non-compliance with any decision of the Board or Court may be recovered on any application to a Judge of the Supreme Court, and when so recovered shall be paid into the funds of unions of employers or employees, as the case may be.

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

Clauses 87 to 96, inclusive—agreed to.

Clause 97—Act not to apply to Crown or Government departments except as expressly provided:

THE ATTORNEY GENERAL moved that at the beginning of line 1 the words "save as aforesaid" be inserted. This was in view of an amendment to be moved later.

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

New Clause (Railways):

THE ATTORNEY GENERAL moved that the following be added, to stand as Clause 92:

> The management of Government Railways shall be deemed to be an industry within the meaning of this Act. The Commissioner of Railways may make an industrial agreement with any association or society of Railway servants to be registered under this Act, and either the said Commissioner or the association or society may refer any industrial dispute between them to the Court established under this Act; and the Commissioner may give effect to any terms of an award made by such Court. Any association or society of railway servants may be registered as an industrial union under this Act; and the Commissioner shall be deemed to be an employer within the meaning and for the purposes of this Act. The foregoing provisions shall apply to any reconstruction of such association or society in case of its dissolution, and shall extend to any similar association or society taking the place of such first-mentioned association or society, and registered under this Act.

This clause, and the new clause following it in the Notice Paper, dealt with the

Government railway employees; and, with some modification, these were the clauses in operation in the Act passed by the New Zealand Legislature. Not to repeat what had been said before, he would simply urge the Committee to adopt the new clauses, mainly for the reason that the Railway Department, above every other branch of industry in the community, was the one in which recent experience had shown the Bill would have beneficial effect, and might have saved the recent strike. The clauses would certainly work for good: in any case they could do no harm.

MR. ILLINGWORTH: Would the clauses affect the royal prerogative? Would the Bill have to be reserved for the Royal assent?

THE ATTORNEY GENERAL: No; the question had been looked into, and there would be no necessity to advise His Excellency to reserve the Bill.

MR. ILLINGWORTH supported the new clauses, and regretted that they did not go further. There had been considerable debate on the question already, and though the Opposition were defeated by only one vote on the proposal to include other departments, he accepted that decision in good faith and would not raise the discussion again at this stage. He must express satisfaction that, at all events, the largest spending department, and the department in which labour would be most affected, was to be included within the operation of the Bill.

MR. JAMES: Had the Committee to understand from the Attorney General that if the Public Works Department were included within the operation of these clauses, it would be necessary to reserve the Bill for the Royal assent?

The ATTORNEY GENERAL: If the Public Works Department were included in the Bill, he was afraid it would have to be reserved. That was not the case so far as the Railway Department was concerned. At any rate, similar provisions in other colonies had not been reserved.

MR. JAMES: Did the Attorney General think that if the Public Works Department were included, he would have to advise His Excellency to send the Bill home?

THE ATTORNEY GENERAL: If the Public Works Department were included, he was afraid he would have to consider seriously as to advising His Excellency to reserve the Bill.

MR. JAMES: That was to be very much regretted, because he desired to include the Public Works Department, where a large amount of labour similar to that contemplated by the Bill as a whole was employed; for instance, on the Fremantle Harbour Works.

MR. A. FORREST: The Bill could have a trial for a year.

MR. JAMES: It was not advisable to delay the Bill, in view of the opinion expressed by the Attorney General; but personally he would have liked to see the operation of the measure extended. However, an effort in that direction might be made next session.

MR. PIESSE said it was his intention though he stood alone, to oppose the proposed new clauses. In his opinion, these provisions would lead to difficulty in the future; and why the Government should single out the Railway Department for special favours, he could not understand, seeing the other Government departments had equal claim to come within the operation of the Bill. While giving credit to the Attorney General for a desire to give an answer to the questions asked by the member for East Perth (Mr. James) as to reserving the Bill for the Royal assent, he (Mr. Piesse) thought that reason was put forward now with a view to preventing the inclusion of the Public Works Department, because the Government must see that any attempt to include other departments could not fail to raise difficulties. To include the Railway Department would create trouble, and still greater trouble would be caused by including all other Government departments; and he could not understand why the Attorney General had advised the Government to sanction these proposed new clauses, when he knew that similar provisions were not in operation in New Zealand. Although the Railway Department was included in the original Conciliation and Arbitration Act of that colony, passed in the early part of 1894, the railways were subsequently taken out of the hands of the Commissioner and re-invested in the Minister by the Government Railways Amendment Act some three months later. Under that

Amendment Act, a board of appeal was appointed for the purpose of dealing with such matters as were contemplated in the Bill now under discussion. A telegram read a few evenings ago from the Premier of New Zealand, gave the reasons of that gentleman's Government for objecting to the inclusion of the public departments within the provisions of the Conciliation and Arbitration Act, and the Government Railways Amendment Act vitiated or annulled the very clauses which it was proposed to introduce in the present Bill. With all that experience, and with the knowledge that the Bill had worked for the past six years in New Zealand without having application to the Government railways, he could see no reason for these clauses. He desired to do all he possibly could for the settlement of grievances or strikes—an end which he hoped this Bill would help to accomplish—but the departure the Government had made was one which should have been avoided. In their desire to meet the wishes of the labour classes in this colony the Government had gone further than they ought to have gone, because they could have introduced a measure similar to that of New Zealand, providing for the appointment of a board of appeal, and thus have saved themselves and the country—because no doubt this would come back on the country—the difficulties which must follow owing to demands made by all other departments, which would have just and fair claims to be included. The railway associations would have to be registered, and of these there were two —namely, the Engine-drivers, Firemen, and Cleaners Association, and the Railway Servants Association—though no doubt an amalgamation would be brought into existence. Workers in other branches of the Railway Department would ask to come within the Bill, and it was difficult to see where all this would end; and all these associations would have to be registered and given a status which he considered they should not enjoy. He was confident the action of the Government was a mistake, but so much having been said a few evenings ago, it was not necessary to deal with the whole matter again. He felt it was his duty, however, to rise and warn the Government of the day that they were taking a step which they would regret in the future, because it would bring about results which the country would not be able to face. The Bill would probably work for a few years very satisfactorily, but as time went on, the mistake of passing these clauses would be realised. Although the railway associations in New Zealand did not come under the Conciliation and Arbitration Act, and we had been told emphatically that it was not to the advantage of the Government to include them—although certain constitutional rights possessed by Parliament would be interfered with by such inclusion, and Parliament would not be able to exercise that control which it should, and although we were told that such proposals were regarded as unsafe in a colony greater in regard to population and probably greater in resources—despite all this, the Government of Western Australia were endeavouring to introduce these clauses.

MR. ILLINGWORTH: The railway associations were recognised in New South Wales.

MR. PIESSE: No; in New South Wales the clauses were permissive, and only provided that "the Commissioners may." The Commissioners there could not be forced to recognise the associations unless other legislation were introduced. In Western Australia the Government were in the place of the Commissioners, and the position was different altogether. Had our railways been under Commissioners the question might have been worthy of consideration; but the railways here were under a Minister responsible to the Crown, and while that was so the House should leave to the Minister and the Government the right of controlling the railways. Instead of that, however, it was proposed to have an outside board elected by employers and employed to deal with the wages and similar matters connected with the men. The provisions of the Bill relating to wages, allowances, remuneration, hours of employment, conditions of employment and so on were not intended for Government servants or Government railway employees, but for workers outside the pale of Government control. If the Government were not strong enough to face the situation and deal with it as they should, but sought to shelter themselves, as they were doing, behind the proposed new clauses, they were losing, or had lost,

the confidence of the country. The Government had no right whatever to introduce clauses of the kind into the Bill, and they were simply doing so at the dictation of a section of people who were endeavouring to rule the country. But if those people were strong and powerful enough to rule the Government of the day, they were not strong and powerful enough to direct him. He (Mr. Piesse) would stand and say what he thought on the matter, and he felt convinced that the day would come when his words would be found true. The country was going too far in the direction, as indicated recently by the Government, of trying to pander to the labour vote. As far as the labourer was concerned, he (Mr. Piesse) would do his very best to help him. He would do all he possibly could to bring about such a condition of things as would prevent strikes and difficulty; but at the same time he strongly objected to the introduction of such a provision as this in the Bill, which, after all, was brought forward for the purpose of dealing with strikes generally, and with the condition of workers not under Government control. We had heard of the measure introduced in New South Wales, but it had not yet become law there, and not only so, but, as he pointed out just now, it was permissive. Yet we found that even there they had not gone as far as we intended to do. If some other course had been taken, the same results would have been achieved, and he really could not understand why, with the experience we had of the condition of things in New Zealand, the Government did not bring in an amendment of the Railway Act dealing with the question of these boards. Prior to this difficulty arising he had suggested that boards would meet the difficulty. A properly constituted board, with powers appointed by statute, would have been able to deal with these very questions which would now have to be committed to the Arbitration Board, and there would not have been interference with the control of this very important department. He considered the step taken one of the most unwise things that had ever been done, and he was sure that if the Committee agreed to the inclusion of the Railway Department, it would be a subject for regret for ever.

MR. GEORGE: Since the Government had absolutely decided this matter, it was not of much use either for the member for the Williams (Mr. Piesse) or any other member to do more than perhaps talk a little bit on the subject, for members were absolutely powerless. The Government had their obedient majority at hand, and would carry the proposal. He did not quite catch an observation by the gentleman who now occupied the position of Commissioner of Railways. He did not know what the hon. gentleman said. The Commissioner had been so recently inducted into his office that he would be wise perhaps to refrain from speaking upon an institution of which he could not have had very much experience. At any rate, he hoped the hon. member would do so while he (Mr. George) was speaking, because he did not want to slate him. He wanted the Commissioner to have fair play, and would take jolly good care that he received it. The hon. gentleman had undertaken a job which he was afraid would turn his hair grey before he finished. If the troubles of office turned the Premier's hair grey, he thought the Commissioner of Railways (the member for West Perth) would not be merely grey, but grey, white, blue, and black before he had finished; so he would deserve all the assistance members could give him. If he wanted his (Mr. George's) assistance he had better keep those observations to himself, until he knew what he was talking about. It certainly was not much use to try and defeat the Government, and endeavour to get the Government to bring the other branches of their works under the operation of this Bill. The Government had no right to place upon employees and employers obligations which they shirked themselves. At the present time the Government were employing all kinds of unskilled and skilled labour in connection with the building of railways; also in connection with the harbour works and the great Coolgardie Water Scheme. They were employing a large number working on exactly the same conditions as those worked under who were engaged by private employers, except that the Government employees would not have the benefit of this Bill. If there was any right whatever to bring this Bill in, there was an absolute right to let it apply

to the Government employees and the Government themselves. The only reason he could see for the Government shirking their duty was that they were afraid of the Bill. They really did not know where they were going. The examples they had tried to place before the House were like a lantern with its light out on a dark road. Private employers and employees of this colony who could least afford it were to run the risk of stumbling over rocks and precipices, and were to make the road smooth for the Government before the Government themselves came under the measure. He agreed with the member for the Williams that the Government railways, both as regarded administrators and "administrated," would not find this Bill work as well for them as would a proper system that could have been arranged in connection with the railways themselves. The kind of employment, and the conditions under which the work had to be done, were so different from ordinary employment in this colony, that special administration was required, and specially careful thought was needed on both sides to see that the administration was carried out fairly. While he considered that the railway associations had some causes for complaint, he was certain that if a board of appeal could have been appointed, as hinted at by the late Commissioner of Railways, there would have been a better feeling throughout the whole of the railway service, and throughout the colony, in regard to the management of the railways, than there would be under this Bill. However, the clauses were there, and he would vote for the inclusion of the Railway Department in this Bill. As to other employees, the Government had been so timid in this matter that they had shirked their duties and their obligations. Supposing the ruling wage for men engaged in labour exactly the same as that which was being done in connection with the Coolgardie Water Scheme were fixed at 10s. for eight hours, and the Government only paid 9s., men would very soon desert from the Government work, if the Government did not pay 10s. Public opinion and the force which could be brought to bear and would be brought to bear by members of both Houses, would compel the Government to raise the wages, and why should they not do so? The Government had made up their minds in this matter, and they had their majority. If at the commencement of a session heads were counted, and the Government had a majority, the rest of the members could be allowed to depart in peace upon their several avocations. That would save a considerable amount of money to the country; also a considerable amount of infliction upon the poor unfortunate knights of the pen in the gallery, and it would take away a bit of the amusement experienced by ladies and gentlemen who came to listen to the debates. That would be a more effective way of dealing with matters, and, in his opinion, the legislation would be quite as good as at present.

MR. DARLOT: The late Minister for Railways knew more about the Railway Department than anybody else. He did his best to administer affairs in a manner which was a credit to himself, and would, had he continued, have been a credit to the country. Had he been supported by a strong backed Premier, perhaps the inclusion of the Railway Department in this Bill would not have been asked for. We had had New Zealand poured down our throats. We were told that this legislation was new, and that we should not go too far with legislation. New Zealand tried the inclusion of the Railway Department, and according to latest advices that department had now been withdrawn from the operation of the measure. It was his (Mr. Darlôt's) intention to support the member for the Williams in this matter, and he hoped that everybody in the House who wished to see the thing thoroughly tested would do likewise.

MR. JAMES understood that the Government Railways in New Zealand were included.

MR. DARLOT: So they were, but they were afterwards withdrawn.

MR. JAMES: The last Bill on the subject before the New Zealand Parliament passed through Committee and was reported on 23rd August, 1900. Clause 104 of that Bill made provision for dealing with Government railways on almost similar lines to this clause, but enacted that any award given should be subject to the Government Departments Classification Act, which stated a maximum and a

minimum wage, and provided for increments.

MR. PIESSE: New Zealand passed another Act the same year—58 Vict., 35—of which Clause 6 provided for an appeal board, and the provisions of the Conciliation Act were thus over-ridden.

MR. JAMES: The Act to which he had referred was the 60th Vict., and provided for an appeal board enabling railway servants to appeal against wrongful classification.

MR. PIESSE: What more was wanted?

MR. JAMES: It did not satisfy New Zealand; for the new Bill now before the New Zealand Parliament contained almost the same clause as that now before this Committee.

MR. PIESSE: The clause had not been agreed to in New Zealand.

MR. JAMES: But it represented existing legislation. The New Zealand Act of 1894 placed Government railways open for traffic in the same position as we proposed to place our railways by this new clause, the only limitation being that in New Zealand wages were defined by the schedule of their Act of 1896. It was untrue that in New Zealand the railways had been withdrawn from the operation of the Conciliation and Arbitration Act.

MR. PIESSE: This Bill had been introduced without these new clauses, and there was no decision to include the railway employees when the measure was laid upon the table. But it was significant, when an election was about to take place in a district where many railway servants resided, that, a few days, in fact the day before the election, an announcement was made that the Government intended to introduce these clauses.

THE ATTORNEY GENERAL: Notice had been given long before that vacancy had occurred.

MR. PIESSE: The notice had not then been tabled, and if it had the decision was come to after it was known that there would be a general election.

THE ATTORNEY GENERAL: No.

MR. PIESSE: Therefore the decision appeared to have been arrived at with the object of encouraging these railway employees to support the candidate who had been returned. But this was too great a price to pay for the election of any member of this Parliament.

MR. HIGHAM: No!

MR. PIESSE: If the hon. member interjecting and a few others had shown a little firmness, they would probably have saved the country much trouble and prevented much of the difficulty which had arisen; and he (Mr. Piesse), though he had to sacrifice his portfolio as the price of his strength of will and determination to uphold the country's interests, was pleased to have paid that price, which he would rather do than agree to a proposal injurious to the public weal. Hon. members who took the most prominent part in bringing this proposal before the Government, had no faith in it themselves.

MR. HIGHAM: They had.

MR. PIESSE: They could not conscientiously tell the House or the country that they believed this change would be beneficial to the public. The new clause was one of the greatest blunders ever committed; and if he (Mr. Piesse) had had, when in office, the support the House should have given him, there would have been no danger of a railway strike, for there were in the railway association a sufficient number of reasonable men to prevent a repetition of such a calamity. He hoped he would have sufficient support to enable him to divide the House, as he intended to do, for this innovation would bring upon the country great trouble and difficulty.

THE ATTORNEY-GENERAL: The last speaker had made some observations which, on reflection, he would probably wish to modify considerably. The decision to include the railway employees in the Bill had nothing whatever to do with the election of the present Commissioner of Railways (Mr. Wood), but had been determined on long before that election took place.

MR. PIESSE: Then why did the candidate (Mr. Wood) announce it?

THE ATTORNEY GENERAL: He had announced what was publicly known. Notice of the decision had been given long before this Bill had been tabled. The hon. member was mistaken regarding the motive he attributed to the Government. The hon. member had taken a firm stand on this question, and was entitled to the respect of every man for the attitude he had assumed; but though it might be an infringement of the

constitution to include the Railway Department in the Bill, the Government were confronted with a greater risk, and were obliged to do anything in reason to prevent a strike of a large body of men which would fairly paralyse the whole of the business of the country. That was the main consideration which had induced the Government to bring the railways under the measure, and in the public interests their action would undoubtedly be supported by the whole community.

MR. PIESSE: If anyone desired to wreck this Bill or make it inoperative, it would be impossible to adopt a better course than that adopted by the Government. If one Government department were included in this Bill, this Government or their successors would be irresistibly assailed by demands for the inclusion of the other departments of the civil service, with the result that all these would be included.

THE ATTORNEY GENERAL: Yes; if the effect of the inclusion of the railways were good.

MR. PIESSE: It could not be good. The reason employers of labour had recommended the inclusion of railway servants was to endeavour to defeat the effect of this Bill. It was strange that intelligent working men had been blinded by the overtures of the employers in this matter. The employers wished to see the Government departments brought under the Bill, so that the Government in protecting their own interests would protect those of the employers. It had been said that he had done wrong in mentioning that the inclusion of the Public Works Department in this Bill would lessen the work that was carried out by departmental labour. When speaking some time ago as to the construction of Government works, and railways manned by Government servants, he had said that if there was one thing which would change his opinion as to departmental work, and the State control of railways, it was the action of the railway employees to have the associations recognised and thus be the medium of control. The time would come if the associations were recognised, when the employees would exercise their influence in such a manner as would be a great disadvantage, and have a detrimental effect on State institutions, especially on the State institution of the railways which had done so much to build up this country.

MR. ILLINGWORTH: The hon. member was a little unfair in regard to one point which had been raised, because it would be remembered that on the second reading of the Bill he (Mr. Illingworth) argued for the admission of Government departments, and when some exception was taken, he appealed to the Attorney General and said that if the Government could not see their way to include all Government departments, he would strongly urge that the Railway Department be included within the purview of the Bill, and the Attorney General at that time said that he would bring in an amendment for that purpose. They knew it was possible to have a railway strike, but strong as the member for Williams (Mr. Piesse) undoubtedly was, and had proved himself to be, he was unable to prevent that strike.

MR. PIESSE: This Bill would not have prevented the strike.

MR. ILLINGWORTH: If the Railway Department had been brought under the provisions of the Bill that strike would have been prevented. The lumpers strike which led to the railway strike would have gone to the court of arbitration. This Bill had one primary object, that the public should not suffer by any contention between the workers and the employers. The Government were the largest employers of labour in the colony. The Railway Department were common carriers, and the people were absolutely dependent on the Government because they had a monopoly, yet, at any moment there might be a strike in this great department of the State which everyone depended on, and there was nothing in the Bill as it was introduced, by which a strike could be prevented or mitigated. Supposing a difficulty arose, the Commissioner would be able to appeal, and whatever took place the railways would be run while the question was being settled.

MR. PIESSE: The hon. member said there must be a strike before the parties could come to conciliation.

MR. ILLINGWORTH: There must always be a strike before there could be conciliation, and the object of the Bill was that as soon as there was a difference,

and the parties came to the point whether there should be a strike or arbitration—in nine cases out of ten where the strike took place—one party would compel the other to go to arbitration. A railway strike was a very serious thing to anticipate, and yet it was proposed, as the Bill originally stood, to exclude this common railway carrying company—which our Railway Department was—from the operations of the measure. The hon. member (Mr. Piesse) had a motion on the paper to place the railways under a commission, and if that motion were carried, he did not say he would support it, and if there was no provision in the present measure for the Railway Department to come under the Bill, the commission would not be able to apply to the court. The Government had taken the right side in including the Railway Department, and if the Government had gone further he would have been pleased. Still, the Government had now embraced fully two-thirds of the people they employed by including the Railway Department under the Bill. A week or a month's strike in the Railway Department would paralyse the country from one end to the other. If there were a real strike in the Railway Department, the department would be unable to settle it. One reason for tabling the Bill was to get at the Railway Department. As they had been unable to get the whole of the departments under the Bill, he was pleased to accept that portion referring to the Railway Department.

MR. DOHERTY: If there was one department more than another which needed this Bill, it was the Railway Department. The last strike had shown there was a good deal of friction in the department. That strike was brought about by a disagreement between two members of the Railway Department, the General Manager and the Locomotive Superintendent, and if the then Commissioner had possessed that great backbone which he claimed he had, why did he not dismiss both those servants?

MR. ILLINGWORTH: That was what ought to have been done.

MR. DOHERTY: For some personal reasons, of which we know nothing, the General Manager seemed to possess some power over the late Commissioner of Railways. He made the Commissioner stick to the strike, and the country lost heavily.

MR. PIESSE: It did not cost the country much.

MR. DOHERTY: It cost the country a great deal. At Kalgoorlie famine prices ruled.

MR. ILLINGWORTH: Many people could not get a drink of water.

MR. DOHERTY: The two officers, he had mentioned, if not dismissed should have been suspended, and the railways carried on under new management. The member for the Williams (Mr. Piesse) told the men that they should not have anything to do with members of Parliament, but members thought the men had a grievance: that they had not been treated rightly. If the Commissioner of Railways had shown that business capacity which we thought he possessed, he could have worked the men and recognised the association, then the secretaries of the association would have been of assistance to him rather than a hindrance, but the Commissioner would not give way, he wanted to be the dictator.

MR. PIESSE: It was no use running a business if you could not run it rightly; there must not be too many "bosses."

MR. DOHERTY: That was the fault; there were too many "bosses." One man wanted to be "boss" at Fremantle, and the other wanted to be "boss" in Perth. Had there been no strike this Bill might not have been brought forward. All the commercial houses in Fremantle and Perth and all the shipping in Fremantle would be disorganised; while the labourers in Fremantle would be turned adrift if the railways were not kept going; the whole community would be put to inconvenience. The clauses came in and averted the danger by providing a court of appeal. These were men with common sense and fair education, and during the time their case was under consideration, their temper would cool down and they would probably agree to the decision of the Board. It was to be regretted the late Commissioner of Railways had shown so much temper.

MR. PIESSE: It was not temper: it was sorrow at the action of Parliament and the country.

MR. DOHERTY: Then the late Commissioner had a most peculiar way of showing his sorrow. The clauses would

overcome great difficulties and troubles which existed to-day in the Railway Department, and in regard to which at any moment a strike might occur. The Premier had admitted that appeals of the men had been dismissed before the applications came to headquarters.

THE PREMIER: When was that admitted?

MR. DOHERTY: Appeals had been handed about from one to another, and delayed for three months.

MR. GEORGE: How many cases were there of that kind?

MR. DOHERTY: Dozens.

MR. GEORGE: That was to be doubted.

MR. DOHERTY: It was an absolute fact, if the men were to be believed.

MR. PIESSE: Of course, there were all sorts of tales.

MR. GEORGE: The stories were a little far-fetched.

MR. DOHERTY: No doubt grievances existed, and it was not always possible to give way to the ambition of one man who wanted to run the railways according to his own ideas. Some deference must be accorded to public opinion, because the railways were made for the people, with the object of opening up the country and attracting population, and not for any servant of the public, whether Commissioner or General Manager. The surplus shown on railway revenue was, perhaps, to be deplored, because it indicated that money was being taken out of the pockets of the people by charging them excessive rates, which was certainly not encouraging the population in the way of providing facilities for reaching the market. The people had a right to know what was going on in the department, and to step in when anything occurred which appeared to indicate a domineering spirit on the part of the Commissioner or any of his subordinates.

MR. GEORGE: Or of the railway servants either.

MR. DOHERTY: Or of the railway servants. The clause would certainly do away with grievances, and work for the benefit of the people.

MR. HIGHAM supported the new clauses, and only regretted the manual labourers in many of the other departments were not also brought within the operation of the Bill. He had been informed, and had every reason to believe his information was correct, that the inclusion of these other departments would lead to a constitutional difficulty and delay in the passing of the Bill, and on that information he felt bound to allow that matter to stand over until next session and support the new clauses in the hope that a considerable amount of irritation would be allayed between the employers and employed. The late Commissioner had described these clauses as inopportune, undesirable, and absolutely disastrous, but had advanced no good reason for the position he had taken up, though he had thrown a good deal of blame on the members for Fremantle for the position they took up during the recent troubles. For himself, he would say that should similar circumstances arise, he, as a Fremantle member, would be only too pleased to assume the same position, even to the sacrifice of the late Commissioner or the whole Ministry. He did not agree with the member for North Fremantle (Mr. Doherty) when he said the late strike took place because there was a considerable amount of friction between the Locomotive Engineer and the Outdoor Superintendent.

MR. DOHERTY: It was the General Manager who was mentioned.

MR. HIGHAM: It was immaterial which two officers were mentioned, because, while to some extent the friction between certain officers might have been the nominal cause of the strike, there were many other grievances for which the men had been unable to get redress, although application had been made to their superiors. Those grievances had been allowed to go unredressed month after month and almost year after year, and that had caused irritation between the men and the head of the department. The late Commissioner might say what he liked, but the men had grievances which they could not get brought forward in the proper quarter, many of the subordinate officers receiving appeals which were not sent on.

MR. GEORGE: Those cases were not brought before the Royal Commission.

MR. HIGHAM: But they had been proved to his satisfaction, and could be proved again.

MR. GEORGE: The men did not bring instances forward.

MR. HIGHAM: After the Commission sat many grievances were not satisfied.

MR. GEORGE: That was so; the cases were delayed.

MR. HIGHAM: They were delayed month after month, and although the dismissal of the Locomotive Engineer was alleged to be the cause of the strike, there is no doubt the refusal or neglect to remove difficulties and disabilities was the real cause. The inclusion of railway employees within the operation of the Bill would lead to more harmonious working of the Railway Department, and would tend to prevent strikes. He was no great believer in the board which the late Commissioner advocated, but remarks on that point might stand over until the question was directly before the Committee. Subject to Parliament and to the clauses now proposed, the Railway Department would, under the new clauses, be carried on with satisfaction, not only to the men themselves but to the colony.

MR. GEORGE: With reference to the grievances which the railway men were said to have suffered under during the last year or two, he might say he had the honour to sit on the Royal Commission which he thought could not be regarded as otherwise than impartial. The member for Fremantle (Mr. Higham) had stated the men could not get redress, and hinted at the interception of correspondence; but the charge made by the secretary of the union before the Commission in regard to the interception of correspondence dealt with one item only. That was the complaint of a driver or fireman in the Bunbury district, who said he had sent a communication to the Locomotive Engineer which never reached that official, and a charge was made against the Outdoor Superintendent of having intercepted the correspondence. The Royal Commission heard the statements of the secretary, the man himself, and the late Locomotive Engineer, who said he had not received the communication, and when the Commission asked the Outdoor Superintendent for his answer to the charge, he simply handed in the document, and hardly said a single word. There was no necessity to say anything, because the communication was addressed to the Outdoor Superintendent; and the secretary of the union said he never considered that portion of the charge important. That was the only case brought before the Commission, and if there were a whole series of grievances, why were they not brought forward? Cases representative of the various charges made were brought before the Commission. How they were dealt with, the report of the Commission would show. Thus far he could go with the member for Fremantle. In this part the report of the Commission was entirely in sympathy with the men, and his (Mr. George's) feeling at the present time was entirely in sympathy with them. The system of the railways did not provide for the speedy adjustment of differences in the case of men who had grievances. As one who had been an employer of labour for very many years, he wished to say that if a person desired to have any satisfaction amongst his employees, he did not want to keep them dangling from a rope three or four months before they knew what he was going to do with them. He did not know whether the late Commissioner or the General Manager was to blame, or who was to blame, but when a Royal Commission gave its report dealing with grievances of a huge department like the railways, the recommendations made should either be accepted or rejected, and grievances should be dealt with at once. If those grievances were dealt with at once, the decisions did not reach the men, and the person who caused the delay, whoever he was, deserved the censure of every member of the House. That Commission was appointed for the purpose of inquiring into grievances which the General Manager, and also the Commissioner of Railways, tried to settle, but could not dispose of in a way satisfactory to the men. The Commission was appointed to do the work, the Commission did the work, and gave its report, and the recommendations of the Commission should have been thrown over, or else carried out. If the meanest man in the railway service, whether a fireman, cleaner, or whatever he was, thought that he had an injustice to complain of, that man had a right to have the matter inquired into, and settled within a very brief space of time. He (Mr. George) must confess, too, in regard to the various papers which it was necessary for the Commission to go through, that a tremendous amount of

time was occupied by the different stages, whereas, if the case had been one of private employment, the bulk of those matters would have been dealt with in a short time.

MR. PIESSE: In the case of a private employer, the complaints would have been dealt with straight off.

MR. GEORGE: One must admit that all the rules could not be brought into effect upon a Government Department the same as upon a private person. If the new Commissioner of Railways would let him, he would like to suggest that the best thing he could possibly do was to devote his energies and experience to see if he could not get these things settled right away. If this Bill would help him to do it, so much the better for the people, for the railways, and the men employed in the railways. Whether the Bill gave him that power or not, it was his manifest duty, as the largest employer of labour in the colony, to see that the men's grievances were gone into at once. If those grievances were well founded, let it be distinctly understood that they would be redressed. He (Mr. George) did not wish to reflect upon the late Commissioner of Railways, because he knew he had a great many difficulties to contend with, and it would take up too much time for him (Mr. George) to go into the matter. His sympathies were with the late Commissioner in many respects, and he certainly did not wish to attach blame to anyone, but any system which caused a man to be strung up month after month before he knew what was going to be done, must tend to evil. The report of the Commission stated that if one expected men to be governed by rules and regulations, one must not permit any of the subordinates to, in any shape or form, take away privileges and rights conferred upon those men by the set of rules which imposed obligations. If such privileges and rights were removed, one could not expect the men to fulfil their duties faithfully.

New clause put, and a division being called for, it was taken with the following result:—

Ayes	...	...	19
Noes	...	...	5
Majority for	...	...	14

AYES.	NOES.
Mr. Connor	Mr. Darlot
Sir John Forrest	Mr. Monger
Mr. A. Forrest	Mr. Piesse
Mr. George	Mr. Quinlan
Mr. J. F. T. Hassell	Mr. Locke (*Teller*).
Mr. Higham	
Mr. Holmes	
Mr. Hutchinson	
Mr. Illingworth	
Mr. James	
Mr. Kingsmill	
Mr. Lefroy	
Mr. Pennefather	
Mr. Solomon	
Mr. Throssell	
Mr. Vosper	
Mr. Wilson	
Mr. Wood	
Mr. Doherty (*Teller*).	

Clause thus passed, and added to the Bill.

New Clause (if Commissioner refuse to agree to reference):

THE ATTORNEY GENERAL moved that the following be added, to stand as Clause 93:—

In case the Commissioner shall neglect or refuse to agree with the said association or society to refer any industrial dispute to the Court, the association or society may, by petition lodged with the clerk, refer such dispute to the Court to hear and determine the same; and the Court upon such petition, and if it shall consider the dispute sufficiently grave to require it, may require the Commissioner to appear before the Court, and to submit the matters in dispute to its decision, and for that purpose the Court shall have all such jurisdiction and authority, and may do all such acts and things as may be necessary for such purpose, in accordance with the preceding provisions of this Act.

Clause put, and passed without debate.

New Clause (Board not to have jurisdiction):

THE ATTORNEY GENERAL moved that the following be added, to stand as Clause 94:—

Notwithstanding anything in this Act contained, no Board constituted under this Act shall have any jurisdiction in any matter of dispute between the Commissioner and the said association or society.

Clause put, and passed without debate.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 10·10 o'clock until the next Tuesday.