Legislative Council,

Wednesday, 31st July, 1907.

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

Prayers.

QUESTION—RAILWAY DISMISSALS.

Hon. J. W. WRIGHT asked the Colonial Secretary: 1, What number of employees of all classes in each branch (in detail) of the Railway Service have been dismissed or retrenched from 1st January to 31st July, 1907? 2, What number in each branch (in detail) received notification of their services being dispensed with during the same period?

The COLONIAL SECRETARY replied: 1, The number of employees dispensed with from 1st January to the 31st July, 1907, is as follows:—Way and Works Branch, 26; Locomotive Branch, 77; Traffic Branch, 163: total, 266. 2, In addition to the above, notice has been given to the following that their services are no longer required:—Chief Accountant's Branch, 10; Chief Auditor's Branch, 2; Railway Stores Branch, 3; Way and Works Branch, 10; Locomotive Branch, 33; Traffic Branch, 9; Total, 67.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Introduced by *Hon. M. L. Moss*, and read a first time.

BILL—STATISTICS.

Read a third time and transmitted to the Legislative Assembly.

BILL—CONCILIATION AND ARBITRATION AMENDMENT.

Second Reading.

Resumed from the previous day.

Hon. W. PATRICK (Central): While it is open to question as to the advisability of introducing the measure in this House—and I think a great deal can be said in favour of the view that it should have been introduced first in another place—yet as the Government has decided to put the responsibility on members of this House of first dealing with the Bill, of course we must deal with it. There can be no doubt that this measure is far and away the most important in the programme of the Government for the session, because it deals with the whole industrial fabric, the whole industrial life for good or evil of the people of this State. At the first glance there is not such a great deal of difference between this measure and the existing Act, but after carefully reading it through it seems almost of the nature of a revolution in so far as dealing with arbitration. In Clause 4, which is one of the most important in the Bill, it is stated that "No society shall be or continue registered under this Act—(*a.*), if the object or purpose of the society is to promote or farther the political interests of the members or workers; or (*b.*) if the rules of the society contain any provision which promotes, sanctions, or authorises the application of any part of its funds for political purposes." I see by to-day's Notice Paper that the Colonial Secretary has given notice of a slight alteration to paragraph (*a.*). The Minister proposes to omit the latter part of the paragraph, and if his amendment be carried it will read:—"(*a.*) If the object or purpose of the society is to promote political interests." I do not know that this is an important alteration, because there is not the least doubt that if any society has a rule providing that it can spend money for political purposes, it is not at all likely to spend that money except in the interests of the people who subscribe it. I am in favour of the retention of this Subclause 6, because I think that any society which is

formed for a specific purpose should rigidly carry out that purpose. I do not think there is any disputing the fact that the trades unions are now, to a large extent, quite as much political associations as industrial associations. There is no reason in the world why they should not be political associations providing they are kept separate. I really cannot understand the strong antagonism and criticism made against this subclause; because after all, these societies are formed primarily for industrial purposes and there is no earthly reason why they should be treated as political associations. In connection with this matter I would draw attention to a section in the Commonwealth Arbitration Act. Most members will remember when that important Act was discussed in the Federal Parliament, that after a prolonged fight it was decided to give preference to unionists on certain conditions. It may be as well to read that section. Section 55 provides that associations can be registered on certain conditions, "provided that no such organisation shall be entitled to any declaration of preference by the court when and so long as its rules or other binding decisions permit the application of its funds to political purposes, or requires its members to do anything of a political character." That is not exactly the same as Subclause 6 in the Bill before us, but at the same time it works out practically the same against the unions in the other States, as was the case the other day when a decision was given by Mr. Justice O'Connor in reference to an arbitration case brought by the Shearers' Union. They asked for preference to unionists, but the Judge pointed out that it could not possibly be allowed, because in Section 55 of the Commonwealth Arbitration Act, any union was disqualified that used any of its funds or had in its rules the right to spend money for political purposes. From the constitution of the court, it appears the Government have followed the lines of the Commonwealth Conciliation and Arbitration Act. Clause 37, providing that the court shall consist of a President nominated from time to time by the Governor from among the Judges of the Supreme Court, is practically the same as Section 12 of the Federal Act, with the necessary exception that the Governor General nominates a member of the High Court. But there is one important difference. Instead of the Federal Judge being nominated from time to time by the Governor General he is appointed for seven years to the Arbitration Court. Clause 38—"For the hearing and determination of industrial disputes the court shall sit with two assessors appointed in the prescribed manner by the parties to each industrial dispute referred to the court"—is on all fours with Section 35 of the Federal Act. That clause also has given rise to a great deal of clamour and outside criticism; but I consider it is one of the best clauses in the Bill. Under the existing Act two gentlemen are appointed, one representing the employers the other representing the workers, for a term of three years; and they are empowered to deal with all industrial matters that are brought before them. By this Bill, in case of any dispute the workers or the employers will have the right to appoint, for that particular dispute, the ablest men they can find to represent them for the time being. I consider that is a very great improvement on the present Act, and I cannot possibly conceive how anyone in the community, except the two gentlemen at present acting as representatives of the workers and employers respectively, can possibly oppose the amendment. I do not know that both gentlemen have said much about it; one of them at least has said nothing so far. The disqualification of an assessor, in Clause 45, is the same as the disqualification in Section 64 of the Commonwealth Act; but the last paragraph of Clause 50 in this Bill reads as follows:—"Provided that the agent of a party shall not be a member of or a person who has announced himself as a candidate for election to either House of the Parliament of the State or of the Commonwealth." I agree with that clause. If members of Parliament, either State or Commonwealth, are to carry out their duties as members, they should have no active connection with any industrial dispute;

and I think this is a very wise provision. An entirely new feature of the Bill is contained in Clauses 24 to 28, providing for the formation of what are called "industrial combinations." I am afraid this if put in practice will not work. It is no doubt a well-meant idea of the Government, to meet the case of non-unionists, men who either object to joining unions or who for other reasons would rather act for themselves. But it seems to me there is no use this House discussing the question of discouraging trades unions; because they have been of great benefit to the industrial world at large, and anything that will interfere with the success of trades unionism will be very inadvisable. I am therefore opposed to that portion of the Bill providing for the formation of industrial combinations, for the reason that I do not see how it can work in practice. The industrial combination would be a kind of *imperium in imperio;* and looking at it all round, I am of opinion that it will be much better left out of the Bill. [*Hon. R. F. Sholl*: You want the minority to rule.] That is too big a matter to discuss at the present moment; it can be dealt with at some future period, when we are more immediately concerned with the question of majorities. Clause 76 deals with the prohibition of strikes and lockouts, and provides penalties for those who in any way encourage them; and the penalties do not appear to be out of the way. We cannot possibly enforce a law unless there are penalties attached to the breach of it; but I am glad to see that the Colonial Secretary has given notice of the following amendment to Subclause 3 of Clause 76:—

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

Even had this amendment not been provided, we all know sufficient of the working of laws to comprehend that it is utterly impossible to enforce any law that interferes with the free current of human pity and compassion. But in the Commonwealth law is a provision which I think might well be adopted somewhere in the penalty clauses of this Bill, and I think it would be very effective. By Section 33 of the Commonwealth Act—

> "The President may at any time require from any organisation submitting any industrial dispute to the court security to his satisfaction or to the satisfaction of the registrar for the purpose of the award, and in default of such security may stay proceedings. No such security shall exceed two hundred pounds."

If you wish people to obey any law the best method of getting at them is to touch their pockets. If a deposit of this kind were required I believe it would be much more effective than some of the penalties at present in the Bill. I do not intend to delay the House; for after all, as I said at the beginning, it is questionable whether the Government were wise to introduce the Bill in this House under present customs and conditions. We all know that by the Constitution we have equal powers and equal privileges with another place, with the exception of initiating money Bills. But if important measures of this kind, involving the policy of the Government, are to be introduced in this Chamber—are to be initiated here—then it seems to me the Government should in that case have in this House at least two responsible Ministers, and should stand or fall by any policy which they may propound to the House. It seems to me this Bill will inevitably come back to us for reconsideration; because in whatever form it may leave here, there is bound to be some radical alteration in another place. That is my opinion of introducing such Bills in this Chamber. I am afraid the practice will lead to delay; it certainly will not facilitate the passing of any measure. I do not think it necessary to say anything farther except that after all a measure of this kind, so long as it is reasonable, is likely to result in great good to the community. We all know that trades unions have done much to improve the status of the

worker, and certainly have not injured the employer in most of the commercial nations in the world; so the main point is to see that our trades unions are conducted on straight and honourable lines. After all, punitive legislation of any kind is only a deterrent. We know that in many cases under the present Arbitration Act agreements have been made apart altogether from the court, though the existence of the court undoubtedly made such agreements necessary, because the parties always knew that unless they could agree they were bound to refer the dispute to the court. Thus even the present Act has not been altogether a failure, but has largely conduced to industrial peace.

Hon. J. T. GLOWREY (South): I desire to say a few words in support of the second reading. I had the honour to be a member of this House when the existing Act was introduced some six or seven years ago, and like many others I must confess I feel somewhat disappointed at the result. When that Bill was under consideration here some members said one of the weakest spots in the measure was that while the employer was necessarily bound to obey any award made by the court, there was nothing whatever in the Bill to bind the worker. It was then stated by those who were perhaps strong advocates for the measure that the workers would loyally abide by any award, whatever that might be, made by the court. I am sorry to say the anticipations have not been realised. We have all been disappointed with the working of this Act and it appears to me there is really one of two things to be done; try and amend the Act, give it one more trial, or repeal it altogether. We have during the recess heard some of the Labour members advocating the repeal of the measure. I have always been a supporter of arbitration and have always believed in it; and I am sure every member will approach this measure in a fair and reasonable way and with an honest desire to pass some legislation that may be the means of preventing strikes. I am sure that is the desire of every member of the House, and I think the present Bill is certainly an improvement on the existing Act. It is quite impossible to pass any law which will compel men to work. We must agree on that point, and of course it is equally impossible to make an employer engage men if it will not suit him to do so. Still if he does employ men and an award of the court is given, he is bound by that award. That seems to be the essence of the question we have to consider. Perhaps the greatest enemies arbitration has had are to my mind some of our so-called lawmakers. They have descended very low indeed in my estimation and in my opinion in order to breed discontent amongst the men instead of trying to conciliate them at a time when it was necessary. The Bill before us repeals the old Act but introduces new features which are strongly objected to by many. I consider many of the new features are good. One of the principal features in the new Bill is to allow workers outside unions to go to the court. I do not know why this should not be so, because we have evidence and information to show us that there are 6,000 workers engaged in the Kalgoorlie district, 6,000 under and above ground, speaking correctly, 5,900 and of these 40 per cent. belong to unions. That is evidence and proof that the minority are trying to bind the majority. Why should the 60 per cent. of the men not have the power, if they desire to do so, to go to the Arbitration Court without consulting the minority? Referring to the recent timber strike we have 2,500 men engaged in the timber industry and of that number only 500 or 600 belong to unions, so that the 2,500 men are bound by the actions of 500 or 600. Another debatable feature of the Bill and perhaps the most debatable is the clause in regard to the use of funds of unions for political purposes. For the information of members I should like to read an extract from the *West Australian* of to-day, and I think this will enlighten members and give them some information as to how the unions view this question themselves. It says:—

"With respect to the question of 'political objects,' it may be mentioned

that out of 130 unions and associations of workers registered at the end of December last, 35 only, or less than one-third, make any provision in their registered rules for political objects. That is to say, the Registrar has registered rules in only 35 instances where any reference was made to the political interests of members or workers. These 35 unions represent a membership of 6,203 out of a total membership in all the workers' unions of 16,015. Of the 95 workers' unions which do not contain any mention of politics in their rules, 21 have applied to insert such a provision in their rules since the agitation in the matter commenced; but even if these 21 were added there would be still 74 unions or more than one-half the unions which have expressed no desire to meddle with politics. The registered rules of the largest registered organisation, the Westralian Goldfields Federated Miners' Industrial Union of Workers, which has something like 24 branches containing 6,044 members, do not provide for political objects. In fact, rule 20 of that influential organisation expressly condemns the appropriation of its funds for political objects."

Hon. G. Randell: Is the member in order in reading an extract from a newspaper?

The PRESIDENT: The Standing Order says that no member shall read extracts from newspapers referring to the debates in the Council. I have listened to the member carefully and the extract does not refer to the debates in the Council, but simply states facts.

Hon. J. T. GLOWREY: This extract goes on to say—

"It reads thus:—'Rule 20: The management fund shall not be used for any political purposes or any purpose other than the maintenance of the government of the federation in accordance with the rules.' These rules were registered on May 28, 1906, and are, of course, legally binding upon the whole of the 24 branches belonging to the federation spread over the Eastern goldfields. Since the registration of the said rules the head body of the federation and a number of branches have applied to amend their rules by inserting a political object. The Registrar has refrained from agreeing to insert such a provision pending the decision of Parliamen in the matter. The question of objecting to political objects was raised by the Registrar in the first half of the year 1905 (when the Daglish Ministry were in power), on the ground that the interests for which the members could be associated under the Act did not include the members' political interests. Several unions agreed to cut out references to political objects. In September, 1905, however, the Coachbuilders' Union declined to agree to the Registrar's ruling, and subsequently other unions followed suit."

The fact remains that a large number of unions quite agree to the proposals in the Bill, and we see that a large number of men have no desire to have their funds used for political purposes. I am quite certain the reason so small a number of workers to-day join the unions is that the funds are used for other than union purposes. A number of men object to the political principles and refuse to have anything to do with unions in consequence. I think the House would be acting very wisely in insisting on this clause, and I think it will be a much better thing for the unions if politics are left out. There is nothing to prevent the unions from forming a distinct organisation if they find it to their profit. The principles of unionism are good and we have no desire to see any obstacles placed in the way of a body of men combining to do good for themselves. I shall do my best to assist the passage of this Bill and I hope the House will pass the measure with any compromise that may be come to. I think the Bill an improvement on the present Act. If the Bill is not passed we shall come back to the old days of strikes. Many of us remember the maritime strike which brought ruin to so many people.

Hon. C. SOMMERS (Metropolitan): I desire to support the second reading of the Bill, and I, like other speakers, think it should have been introduced in another place. The measure is bound to come back to us, and if it ran the gauntlet in another place first we should not be wasting the time of this Chamber in discussing the measure, for when it comes back to us we shall hardly recognise it. I do not think the Bill in its present form will do any good whatever. I was in doubt yesterday as to what course I should adopt to-day. I first of all thought that I would move to repeal the present Act altogether, and revert to the old order of things; but this Bill has been introduced and perhaps the best thing to do is to endeavour to make the best we can of it, in the hope that it will become law and perhaps be instrumental in evading a violation of the law when an award goes against the parties. So far as any decision which has been given in the past is concerned, when it suited the Labour party well and good, they adopted it, but if it did not suit them they reviled the court and everyone who had anything to do with it. It was a case of heads I win, tails you lose. A law like we have at present is useless, and rather than it should continue the sooner it is repealed the better. On the assumption that both parties will obey whatever decision is given if the Bill is passed it is our duty to endeavour to frame a Bill and make it as equitable as possible. With regard to the special boards of conciliation which are retained under Clause 84 of the Bill I think that is a good idea, and does away with the ordinary conciliation courts which experience has taught us since the law has been in force are no good. It has been proved beyond doubt that conciliation courts for the past three or three and half years have not been made use of, but that the Arbitration Court has been sought in preference. In regard to industrial combinations dealt with in Clauses 24 to 28 inclusive I think these are very good. It is one of the best features in the Bill. I fail to see why a body of men cannot take advantage of the court without being compelled to join a union. I see no reason why men who desire a decision on a question of wages perhaps should not go to the court without being put to the expense of joining a union. There are many men and many women too working as seamstresses and in textile fabrics, and why should these be compelled to join a union when they only require a decision as to wages? The question was asked yesterday why the number of members of these combinations should be fixed at 25, and it was said, I think by the Hon. Mr. Drew, that this was a blow at unionism. I fail to see this, for if you will look at the Act you will find that with regard to unions a majority of 15 unionists can, with the consent of the Council or Trades Hall, appeal to the court. Surely the new clause therefore is in favour of unionism, and the fact that 25 is fixed as the membership of industrial combinations shows without doubt that anything but a blow at unionism is being attempted. In regard to unions I admit, like other members, that a good deal has been done by the formation of the industrial unions, but it must be borne in mind, and the figures here to-night show it, that a great many men have an objection to join these unions. Many of those joining do so, I have no doubt, on account of the ordinary benefits they receive, such as sick pay, power to obtain an increase in wages, etcetera; they do not join these unions for political purposes. Mr. Justice O'Connor, of the High Court, has been quoted as having refused to give preference to unionists owing to the fact that the funds of the unions to which they belonged were being devoted to political purposes contrary to the law. Under the Federal Act the using by unions of money for political purposes is an infringement of the law. It has been shown that the majority of unions here do not object to the inclusion of this clause, as out of 130 unions which have been registered only 39 have provisions in their rules for using their funds for political purposes. This shows that the unions themselves do not desire it. It is worth while pointing out that the Labour Government, when in office in 1905, know very well that the Registrar refused to

register the unions whose rules provided that the funds should be used for political purposes. We do not find, however, that that Government made any effort to repeal the Act so as to provide that the unions might register. They seemed satisfied then, but now that they are out of office they are howling round and desire the present Government to repeal that portion of the Act and allow unions devoting their funds to political purposes to be registered. By this means they show their desire to obtain from their opponents favours which they were not game enough to introduce themselves. Mention was made in the course of the debate yesterday of the court of summary jurisdiction, and the Hon. Mr. Drew in speaking of this said that a case could be heard before one justice of the peace. I venture to say that no single justice would attempt to hear a case of such importance. None such have been heard of in the past and it is not likely they will be in the future. It must not be forgotten that, if a single justice of the peace did hear a case, there would almost assuredly be an appeal from his decision to another court. As to aspiring members of Parliament and members of Parliament being debarred from appearing in these actions, I think that the clause in the Bill is quite right. Like Mr. Patrick I consider that, if a member of Parliament attends to the business of the country inside the House, without interfering with disputes between parties outside, it is better for all concerned. With other speakers I am sorry to say that recently members of Parliament, instead of trying to conciliate the men and bring the parties together, have been endeavouring to stir up strife between them. As to Section 76 dealing with persons who aid, or apparently aid, in a strike, I agree with the proposal of the Colonial Secretary for the introduction of a proviso that such aid should not refer to women, children, or aged persons, and I am quite sure that we will agree with that proviso. I would go farther than the present Bill and do away with the fine of £50 imposed under the section, and state that, if it were proved that men had voluntarily and wilfully aided in a strike, the punishment should be a term of imprisonment without the option of a fine. There is a very wise precaution in Section 42 which I fancy has been overlooked by previous speakers. This clause proposes to do away with the fees to arbitrators. If the Bill goes through, the arbitrators appointed by the parties will be paid by the parties nominating them. It may not be generally known that at present the Government pay the fees of the two members of the court, in addition to the Judge's salary. These two members draw from this Government, which badly needs money and talks about introducing new methods of taxation, the sum of £724 a year by way of salary, or £362 a year to each arbitrator, and they also receive travelling expenses, first-class hotel expenses, and all other disbursements. I venture to say that the retaining of these two gentlemen amounts to at least £1,000 a year. What have they done during the last 12 months? As far as I can make out they have sat for about three months, about six weeks of this time being occupied with the timber strike, and in that period they considered seven cases. [*Hon. G. Bellingham*: They are better off than members of Parliament.] They get much better pay, have very fine travelling expenses, as far as I know, and are not supposed to know very much about any particular industry. For this year they have only sat about three days dealing with some trouble at Black Range. Under the new Bill instead of retaining these two permanent arbitrators, it is proposed that the parties in each dispute shall nominate fresh men who will be experienced in the dispute before the court. The present gentlemen may be very good men; one may have an expert knowledge of mining but have no knowledge of the timber or any other industry. In the proposed Bill two arbitrators will be appointed to act with the Judge, they will have a special knowledge of the question before the court, will receive their pay from the parties at the termination of the proceedings, and there the matter will end. If we paid our Judges on the same scale

as those gentlemen, that is, to hear seven cases in 12 months, I think there would be cause for considerable complaint. For these reasons I very much favour Section 42 being passed as printed. I am quite sure that a good deal of pressure is brought to bear on men who join unions. It is all very well to say that a man joins a union with his eyes open and knowing what the rules are. Those rules are perhaps made 12 months or two years before the man joins, and pressure is brought to bear on him so that he will become a member. I can quite understand that if a man does not join a union and sticks out against it he becomes a marked man ; there is not the slightest doubt of that. He either has to join the union or leave the mine or industry in which he is engaged and get out of the district. So long as I am in the House, I will always object to that compulsion. It is for these reasons also that I agree to the formation of the industrial combinations. I know a case in which a man connected with a big industry was asked to join a union. He did not want to join, being only a temporary worker and filling in a certain time there, and he had not much sympathy with the objects of the unionists, therefore he declined. They spoke to him and waited on him, and after two or three days of attempting to get him to join without success the next thing that happened was that a heavy weight was dropped close to his toes. He was much alarmed but thought it was due to carelessness. However, a friendly worker suggested to him that if he did not join the union the heavy weight might on another occasion fall on his toes. I know the man to whom this happened and I know what I am talking about. I intend to support the Bill with certain amendments which are to be proposed to it, and trust that if it becomes law the parties who in the past have been responsible for breaking the Act will show that they are desirous of fair play being dealt out to everyone, and that when an award is given either against them or for them, they will be prepared to carry it out.

Hon. R. W. PENNEFATHER (North) : The question of arbitration is, I take it, admitted by the bulk of members of this House and of another place to be a far better method of settling industrial disputes than to have recourse to the old and barbarous method of striking. I remember once taking the trouble, when introducing the first Bill on this question in the Parliament of this State, to read a report that was drawn up by the Royal Commission appointed by the House of Commons on the question. The Royal Commission was presided over by the Duke of Devonshire, one of the wealthiest and most influential men in England. There were also as members of the Commission Sir Thomas Ismay, chairman of the White Star Line, Sir David Dale, the great iron master of Darlington, Mr. Leonard Courtenay, a writer and political economist of great repute, Sir Michael Hicks Beach, Chancellor of the Exchequer, and finally, but not least, Sir Frederick Pollock, one of the foremost jurists at the English bar. These gentlemen in particular formed but a minority of the Commission, but their minority report has been so greatly read and circulated that it has done, I think, more service to the cause of compulsory arbitration than any other instrument or writing of which I am aware. These gentlemen, whose interests were really diametrically opposed to those of the workers, were the strongest advocates for the introduction of the system of compulsory arbitration. The reason given was, and it commends itself at once to one's intelligence, that where large bodies of men are employed in one industry, it is preferable and saves a great deal of time to have the whole of the industrial dispute settled between the men as a collective body, rather than that the employer should have to interview each of them individually, and hear each case separately. The answers to these questions was necessarily in the affirmative. That being so, it follows that in order to have collective bargaining, which is the name given to it, the men had to organise into bodies, and those bodies eventually come under the designation of unions; the unions ap-

pointed leaders or managers—call them by what name you please—to represent their case to the employers, and the employers engaged in the same industry thought it better for themselves to act in unison in listening to the arguments and reasons put forth by representatives of the workers. That was in practice for many years before an Arbitration Act was thought of; the practice was, in so many words, carring out the Act without there being an Act to support the practice. But in New Zealand, that country which has been designated the great laboratory of industrial reforms took action much earlier than any of the Australian colonies, and brought in a Conciliation and Arbitration Act. I may say that the first Act adopted in this State was largely taken from the New Zealand Act then in operation. The then Premier of that colony, the late Mr. Seddon, in answer to inquiries which the Government of which I was a member made as regards the working of that part of the Act termed the Conciliation Act—inquiries instituted because of the opinion here expressed by many people that it was unnecessary and useless, merely ornamental and not useful—stated that it helped in a very large degree to smooth the way towards the Arbitration Court. And I cannot but reflect that when the operation of this Act is thoroughly understood by those who use it—bearing in mind that it has only been in operation for six years, and what are six years in the life of an industry?—that then the workers and also the employers will realise that the Act when used in the proper spirit will tend to obliterate and assuage much of the natural anger and feeling that unfortunately arises when industrial strife begins. I am sorry that the Government have not included in the present Bill a provision for a conciliation board. If it is not used, it hurts nobody; but there it is if people do not wish to enter the Arbitration Court. For, bear in mind, the Arbitration Court as constituted under this Bill and under the present Act is nothing more nor less than a section of the Supreme Court. The party who moves the court, instead of issuing a writ issues a notice to the other party, who must then come in whether he likes or not. That notice has got all the force and all the power behind it that is behind the beginning of a law-suit in the Supreme Court. And many people object to that—they would rather not go into a procedure that has so large a coercive force behind it, because they know that in this class of disputes there must be some give and take; that it must be discussed in a quiet, peaceable, inoffensive way; that the parties must not make out that they are enemies to each other The employer will say to the worker, "It is in my interests to pull with you, for I cannot do without you"; and the workers will say, "It is in our interest to pull with the employer for we cannot do without him." For that reason people do not care to enter on a procedure which has the coercive power behind it that the Arbitration Court necessarily has. However, the Government in this instance have thought fit to eliminate the provision for a conciliation board, and I offer these remarks only by way of regret on my part that this provision has been excluded from the Bill. To deal with the provisions for arbitration, I may say that the constitution of the court under this Bill is an improvement on the past. I think it more effective that the persons chosen to represent either side should be chosen for their knowledge of the particular industry out of which the dispute arises. It will have the effect, as a previous speaker has pointed out, that either side, being alive to their own interests, will get the best men for the purpose they can obtain; and in addition to that, it will be the means of softening down to some extent the partisan character that the standing member of the court invariably wraps round his personality. A man engaged for a number of years representing only one side becomes a fighting champion for that side. [*Member*: So is every arbitrator.] I am not discussing the general proposition at all, but am drawing particular attention to what occurs in these disputes. If he is the fighting champion for one side, it necessarily means that he wants

to get the best end of the stick for his side. That is what he is there for. He learns to use weapons, and no doubt he acquires skill in using the weapons, and so becomes a highly skilled counsel in assisting his own side. For the time he loses sight of the fact that he is sitting in quasi-judgment on the case. I think, therefore, that the method appointed under this Bill for the constitution of the court is undoubtedly an improvement, in that it will strengthen and add to the efficiency of the court. There is another point to which I wish to draw attention. The less coercive power given, I respectfully submit, to that Arbitration Court the more effective it will be. That is stating a paradox, but it is demonstrable. I directed attention a few months ago to the disinclination there is among certain people, whether they be workers or employers, to go into a court of any description. When you find provisions such as I see in this Bill for punishing one side or the other who transgress in any shape or form, by assisting a lock-out or strike, it appears to me that is really one of the weaknesses of this kind of legislation. It may be said that you must enforce an order of the court. An order of the court may and can be enforced only to a limited extent at the best. But it is said that an order of the court can now be enforced only against one side. That is an infirmity of the class of legislation with which we are dealing; and because this Bill, or any other Bill of a similar character, cannot bring about perfection at once, is that any reason why we should abolish it altogether? Our very best legislation necessarily, like the rest of human nature, must fail in achieving perfection. There is nothing perfect: all we can do is to try and improve on present conditions, to try if even in only one place to put in a new brick where an old one is not doing its duty, to try and build up the edifice even though we have to leave it to those who come after us to crown it with the coping-stone. In the meantime this class of argument is practically cutting the ground from under the feet of those who are endeavouring to find new methods or new remedial measures for removing some of the existing grievances. I am sorry the Bill has included in it these pecuniary penalties, and I am exceedingly sorry that these are coupled with imprisonment. It does not taste well. This is an entirely different class of legislation from what we are accustomed to deal with: its essentials are compromise, good feeling, and harmony. You cannot get all that, no doubt, but let us get as near it as we can; and you certainly will not get it by inserting in these Bills any punitive measures against transgressors of the awards of the court. I desire to say a few words about the early portion of this Bill which introduces a principle not entirely novel, introduced with the avowed object of separating the political from the industrial part of these organisations. I quite understand and appreciate the arguments of both sides in this regard; but I take it that in considering this great subject we must not be biased, we should have no feeling towards one side or the other; because sitting as we do as a deliberative Chamber, we necessarily look on this subject from the standpoint of the State. Capital is on one side, and labour on the other, but both are children of the State. The State looks with a paternal eye on both, and it would be manifestly unfair to allow our feelings either by exaggerated expression or unconsidered conduct, to attract us to one side or the other. I only urge these remarks as leading up to what I am now about to observe, that the provision in the Bill that prevents and prohibits the application of any part of the funds of unions to political purposes is, in my humble opinion, entirely outside the functions of this House, entirely a matter between those who contribute the funds and those who control them. I do think that it smacks of an attempt by one party in political warfare, having the power, to crush the other which has not the power. The Government would act wisely in totally obliterating that provision from the Bill. If the men belonging to the unions know the regulations they are joining under, if they know that money may be appropriated in whole or in part towards political or other objects,

it is their business. How can it possibly affect the State? We encourage organisation in every shape and form, with legitimate objects; and can it be said that these unions have not a legitimate object in subscribing funds towards getting as many members of Parliament as they can, or for any other purpose? That is clearly and constitutionally the privilege of every individual, and if it is the privilege of the individual, it is clearly the privilege of a combination of individuals. This provision strikes me as a needless interference with the right of the individual to regulate and control the money he has subscribed as he desires. I cannot see in what possible aspect a union, by devoting money to political purposes, can injuriously affect the State, or injuriously affect the relationship between the worker and the employer. There is a provision that has been remarked upon by various speakers, dealing with the right of combination; that is to say, those men who are workers who are not desirous of joining unions should not be left outside the salutary provisions of this Bill. That is a very proper thing. I do not see that we should confine our legislation to people who belong to unions only. That this Bill extends its provisions now for the first time to deal with combinations of people outside unions, is a legitimate and proper object. In other words, a combination of individuals after all is a union, but it is only a union for a limited purpose. It is only in that respect that it differs from the ordinary unions dealt with in the other clauses of the Bill. A combination is a combination expressly for the purpose of determining a dispute for a class of men who do not belong to unions, and that is a fair and legitimate object. I think the Government are well advised in bringing that procedure into play. I am trying to maintain an impartial mind, and to express nothing but what I think is fair for both sides on this subject. The duty of the Legislature is not to give a monopoly to a union in preference to other individuals to determine industrial disputes. If the State stepped in and gave what is termed "preference to unionists," it would be the strongest force that could be exercised to take away from any individual in this community the right of free and independent judgment. If a man does not belong to a union it is his own look-out. On the other hand those who belong to a union should have the right to spend their money as long as they do not commit a breach of the laws. I do not know that I can with any degree of profit to myself or the Chamber make any other suggestions, except this: This measure is a highly contentious one, it involves considerations of the greatest nicety, and it directly invites a conflict between the Labour party and the rest of the community because it deals with these contentious matters. Now I do not think the Government have acted with that discretion I have given them credit for in introducing this Bill into this Chamber for the first time; because it places this Chamber in a false position. If we attempt to alter the provisions of this Bill to any radical extent, and the Bill is transmitted to another place, directly it gets into another Chamber, at once comes the observation, probably from a supporter of the Government—I do not think any member of the Government would have the hardihood to do it, but it would certainly come from an injudicious supporter of the Government—"Why, the Bill sent to another place was a splendid measure; what have we now to deal with? It is not what we bargained for at all." The result would be that we would have two parties united in saying things uncomplimentary to this Chamber. In these circumstances I would offer my humble suggestion to members of this Chamber, that we should not accept the responsibility of altering this Bill at all. Let us send it on as it has actually come to us, and let another Chamber deal with it. By that means we would be asserting the proper position we should take up, namely, that we stand here as a deliberative Chamber to revise legislation of a contentious character that may be originated and passed in another place.

Hon. G. RANDELL (Metropolitan): In common with other members I realise the importance of this Bill. I do not know that any measure could be introduced in any House of Parliament of much greater importance than this question of arbitration or the relationships existing between employers and employees throughout the State. Therefore it is highly necessary for hon. members to recognise that we should approach the subject in a disinterested manner, with an open mind, and with a desire to do justice to all parties interested in the Bill placed before us. I also regret, with other members, that the Bill has been introduced into this House first, because of the false position in which it places us. However, I am not inclined to accept the suggestion of Mr. Pennefather, that we should fail to do our duty. Whatever have been the motives of the Government in having this Bill introduced in this House I am not able to say; but the Bill having been introduced in this House, it is the duty of hon. members of this Chamber to give it their careful consideration and to deal with it, not only on the second reading—which I intend to support—but also to deal with it in Committee of the House. I do not think we should let anything lead us astray from our duty in this respect. We are part of the Legislature in this country, and the Government have as much right to send a Bill into this House as they have to send a Bill to the other House. So I am disposed to give my best attention to the details of this Bill when it enters into the Committee stage. I do not propose to speak with regard to the details of the Bill now. The objectionable parts to certain parties of the State have been dealt with very critically by members, and I think in a right spirit: and I think that members so far as they have spoken, have indicated a desire to do that which is right and best in the circumstances with regard to this particular Bill. Of course the ideals of the Labour party are good, and they should receive, and do receive I think, the sympathy of the general body of the population of the State, as well as that of hon. members of this House. Whether they can attain these ideals by the methods they are adopting is another matter; I do not propose to deal with that now; but the question of arbitration is one which is worthy of the consideration of the ablest and best men in this State, as it is of the ablest and best men of any part of the world. When we see that the principles of arbitration are now being discussed in the august assembly at the Hague in Holland, I think we shall realise that the different States of which the world is composed are seized with the desirability of finding some other method than the brutal and unchristian one of settling differences by war. And I think this applies, to a minor extent perhaps, to industrial problems. In this State we have recently had one of them, and the different evolutions that occurred during that disturbance in one of the industries of the State have shown us how desirable it is that we should be careful to have Acts which can be carried into effect, and which inflict no hardship on any class of the community that they do not impose on another class. I notice by this Bill that not only are unions of workers affected, but unions of employers also. What is forbidden to one seems to me to be forbidden to the other; and that seems to be the right principle. Whether the details are the best that could be devised for the attainment of the object in view, of course is a matter for consideration when we are in Committee; but arbitration has been in existence in this State for some years, and though Mr. Moss is very much better acquainted with what has transpired in connection with those questions submitted to the Arbitration Court for consideration, I think he is altogether too pessimistic. We want the hon. member's ablest assistance in a matter of this kind. The assistance of an able and well instructed lawyer is needed in connection with matters of detail in this Bill, and I trust Mr. Moss will withdraw from the position he mentioned he would probably take up, namely, not to take any interest in the Bill because it was introduced in this House instead of in the Lower House, which I agree with him should have been the course taken.

If we pass the Bill and send it to the Lower House there is this argument that may be taken up—I do not know that it will be—"Yes, the Government sent the Bill to the Legislative Council because they considered that it was composed of persons who would be in sympathy with imposing restrictions on unions of workers." There is a probability of that being said. Then of course we see the false position we are in if the Government give way to the arguments advanced and the debates that take place in the other House on the clauses of the Bill. If they make concessions, to a certain extent they stultify themselves, and this House also. Those are the reasons which actuate me in saying that it would have been better for the Government in their wisdom to introduce the measure in another House. Several clauses of this Bill have been severely criticised by persons more or less responsible, by members of Parliament and others who are leaders of the workers' unions in this State, and I exceedingly regret as I have always regretted, that such intemperate language has been used by those gentlemen, and that they have imputed motives which probably have not the slightest foundation on which to rest. I regret it especially for their own sakes, because they lose the respect and sympathy of the disinterested mind when they adopt this course instead of coolly, and to the best of their ability, taking exception to certain provisions of a Bill which is introduced into Parliament. If I could get their ears I would be inclined to advise them that it would be a better course in all cases to drop the bitterness with which they assail other persons who have as much right to their opinions as members of unions have to theirs. It would be much better for them to do this, and they would then commend themselves much more to the general body of the people than they do when they adopt the course of which I have spoken. I only desire to indicate in general terms my concurrence with most of the provisions of this Bill. A great deal of it is already in operation, and notwithstanding what Mr. Moss has said, I believe the existing Act has done a considerable amount of good on different occasions. I remember in the early stages of the Arbitration Act when the awards mostly went in favour of the workers, that there was apparently great satisfaction on the part of the unions of workers. There was not, I believe, at the time, so much satisfaction on the part of the employers; but that was natural, because wages were raised by the Arbitration Court. I think everything settled down pretty well afterwards, and each party was inclined to accept the decision of the court. I know that latterly the awards have not given that satisfaction they did in the first instance. Perhaps in most cases the awards were not to blame. I should not go so far as to say they were never to blame, because I do not know any awards made by the court, while I think that on the whole the principle of arbitration has worked well in this State. There may have been, and as Mr. Pennefather has observed there will be, miscarriages not of justice exactly, but misconception of the conditions of the problem with which they have to deal, and to that extent the awards may cause some dissatisfaction. As I understand it, although during the recent trouble a great deal was said by the leaders of the workers' unions that the Arbitration Act ought to be amended, and some went so far as to say it ought to be done away with, yet I find that these gentlemen who have been speaking against the Act are now saying there is no necessity for the amendments proposed in the Act, nor yet for the destruction of the principle of arbitration. I agree there is no necessity for destroying the principle. I believe that as time goes on and we get larger experience, and perhaps understand one another better, the Arbitration Act will work better than in the past. I am sure that the settlement of a dispute on the principle of arbitration is infinitely better than endeavouring to settle it by the terrible evil of strikes. We have seen so many of the evils resulting from strikes, and the crimes which have been committed, and the bitterness which has been caused between different persons in

the State where all should be in harmony, that I think anything we can do to prevent the resort to strikes and their terrible methods should be adopted by the Legislature. I feel certain that the wisdom of Parliament in this State will be able to devise measures which, though for the time they may be objected to as imposing a few more restrictions on both sides, on employers and workers, yet measures will be devised that will ultimately give us as perfect an Act as can be attained, considering the nature of the problem with which we have to deal. An Act of Parliament is not perfect when passed, and can only be perfected by the results of experience and the decisions of competent courts. I am pleased with some of the amendments proposed in the Bill, and think they are calculated to do a great deal of good. One amendment mentioned has been the subject of considerable ridicule by a certain leader of the workers, who I understand occupies an important position and derives a good salary from that position, and that is the amendment which proposes that each side in a dispute shall appoint an assessor temporarily to deal with that dispute instead of having two men appointed at a salary, say for three years. I think that is a very important provision in the Bill, and one that should receive the consideration of this House; and I hope we shall approach this subject with a desire to consider it carefully, not in a mood that would indicate anything like resentment on our part because the Bill has been sent to this House instead of being first introduced in another place. I think this House should always look at measures from their beneficial and public point of view, and not from class interests. I do not know whether we can deal with this Bill in a better way, but we can deal with it in a different spirit and perhaps by better methods than may obtain in another place, and the result may be that a measure will be agreed to that shall have for its object and have as a happy result the harmonious relationships which should exist between employers and employees in the State. I again hope the question will be taken up by those who are responsible to their various organisations, in a different spirit from that which appears to have been shown recently in criticisms on this Bill, and that they will not come to the conclusion that because certain alterations are proposed to be made in the Arbitration Act which point perhaps to farther restrictions, that therefore the Bill is unworthy of their consideration and ought not to be passed. The experience we gained during the late trouble in the timber industry is one that should be very instructive to us. I am not afraid to express the opinion that that trouble ought to have been settled in its early stage, and that but for the intervention of some hot-headed and misguided men I believe it would have been settled at a very much earlier stage than it was. I conceived the opinion, rightly or wrongly, that the great body of workers were in favour of returning to their employment, although the award of the court was to some extent against them. The leaders of the strike committee committed a huge mistake in not advising the men to proceed to their labour when they seemed inclined to do so, and afterwards take up any attitude that might be desirable in their interests. I may say farther that there were certain members of Parliament who ought to have been prosecuted. I think that on one occasion the parties to the dispute were as near as possible arriving at an amicable solution of the trouble; but the ill-advised action of one particular individual, a member of the Federal Parliament, entirely prevented that agreement being arrived at. One particular feature in that struggle which has been exhibited is creditable to the men, and that is that during the struggle there were none of those exhibitions of bitterness and hatred and personal violence which have characterised such troubles in other States. It is highly creditable to the men that during the long trouble nothing of this sort could be charged against them. I believe if they had accepted the advice of Mr. A. J. Wilson, if they had been guided by him, that trouble would have ended long before, and for the benefit of the industry and of the State.

The COLONIAL SECRETARY (in reply as mover): I have to thank members generally for the reception they have accorded to this Bill. I know some members have disagreed with parts of it, and that some have disagreed with other parts, but on the whole the provisions contained in the measure have been accepted by the House. I notice with pleasure that a great majority of members accept the new provision made in the Bill in regard to the formation of industrial combinations. Except in case of one hon. member, that provision has been welcomed, and the one member who objected to it said he recognised that it was a deadly blow aimed at unionism. I deny that any blow at all is aimed at unionism in the Bill. Such was never intended. I, like other members who have spoken, totally disagree with the principle of preference to unionists; and if the Bill aims a blow at anything, it is a blow at preference to unionists. What legitimate argument could possibly be advanced to show why workers or employers outside of an industrial union should not have the benefit of the Court of Arbitration, which is kept in existence at the expense of the State, just as well as those who constitute themselves under industrial unions of employers or workers as the case may be? The particular persons I refer to, the Labour party, who seem to object to that provision, were really those who, after all, asked for the provision. They asked that we should provide wages boards. After going into the question as Minister for Labour, it seemed a waste of time and expense to have two tribunals constituted for the same purpose. Representatives of the workers asked for wages boards, so that such as textile workers (females), who could not form a union, should have their wages assessed and an award made. I think this provision in the Bill arrives at the result exactly, without calling into existence another court or another tribunal; and I am much surprised that the representatives of workers have not accepted the provision in the spirit in which it was intended. It was never intended as a blow to unionism. It was intended that those workers who, as they say, could not conveniently form a union, should have extended to them the provisions of the Arbitration Act as well as to members of industrial unions.

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

The COLONIAL SECRETARY (continuing): Before the tea adjournment I was dealing with one or two points in the criticism which has been levelled against this Bill. Some exception has been taken by members to the omission of conciliation boards, but I would point out to members that in almost every case where conciliation boards have been availed of it only tended to prolong the dispute, inasmuch as the parties first went to the conciliation board but did not abide by the decision, and then went to the compulsory Arbitration Court. That fact was recognised so much that during the past three or four years conciliation boards have not been availed of. I will give an instance of how these boards have fallen into disuse. In the South-Western industrial district recently the members of the board fell out, and we called for applications to fill the positions but no applications were received, and it was only after a struggle that we got the two retiring members to continue so as to comply with the Act. I would point out to the members who criticised the measure in this respect that their argument was, we should not compel persons to go to the Arbitration Court instead of having an easy way, a conciliatory way, of settling a difficulty. It must be remembered that there are certain clauses that provide for special conciliatory boards, but the awards are binding. It is found in practice easier to arrange matters between the parties to a dispute by industrial agreements than even by the Arbitration Court or by conciliation. Members will notice in the Bill the powers of making an industrial agreement have been considerably enlarged. It is easier under this Bill for an industrial union of employers and of workers to come together now and fix an industrial agreement than under the present

Act. The two parties can talk the matter over, and are more likely to come together than before on a board of conciliation. We have had experience of the Act when industrial agreements have been arrived at, and the agreements are taken into court and made binding just as if they were awards of the court. It is provided in the Bill also that when the court is satisfied that a majority of the persons concerned in a district are in favour of an agreement, the agreement is made binding on the district exactly in the same way as an award of the court would be. I am pleased that the alteration in the constitution of the court has found favour with a majority of the members of the House, but I cannot agree with those who say the Bill is no better than the present constitution of the court. Some members have pointed out that the court as at present constituted could just as easily fix an award as in the way proposed by the Bill. To convince members of the mistake they are labouring under we have only to take up one of the volumes containing the reports of the proceedings of the Court of Arbitration and see what the awards consist of. It is provided by the clause governing the constitution of the court that a specialist, if you will, shall be appointed from each side for a particular dispute. That is a very important point, and I venture to say that if two practical men had met in connection with the recent strike they would have come to an agreement, and the trouble which occurred would not have taken place. The men in that case asked for two things—a minimum wage of 8s. and a minimum day's work of 8 hours. One of the parties concerned was not as familiar perhaps as he might have been with the conditions of the sawmill workers and the way they live in the country, or at a sawmill. He had been used to town work all his life, to an eight-hours day. The men would sooner work for nine hours than for 8 hours, provided they got a higher minimum wage; and if an award had been fixed in that way the men would have been satisfied and the company would have been prepared not to give the men 7s. 3d. but 8s. 3d. perhaps. Let us take one of the awards. Here is one given in regard to the Bulong miners of the 15th May, 1905. In the case of an ordinary miner, a hammer and drill man, the wages were fixed at 13s. 4d. On the evidence it was decided that 13s. 4d. was a fair minimum wage, but members will see, if they look at the list, that a rock drill man should receive more than a hammer and drill man. The rock drill man in a rise receives more than a rock drill man in a shaft, and only a man with an intimate knowledge of mining can fix the relative value of each of those positions after a minimum wage has been agreed upon. There are a dozen different rates paid by the mining industry. If we take the boot trade we find in the awards a great many grades in connection with the piecework, and many grades in the wages. Here is another award covering some pages fixing the log for the Eastern District Tailors' Union. I say this is justification of the clauses sought to be embodied in the Bill for altering the constitution of the court. Although members generally agree with that portion of the Bill which provides that the funds of industrial unions shall not be used for political purposes, at the same time one or two members think it is not right that unions should be debarred from using their funds in whatever way they like. One member said he did not know what was the idea of the Government in trying to enforce this. I think the Government deserve perhaps some credit in this matter because they have taken a stand. It would have been easy for myself administering the Act to quietly put the thing on one side. Until recent years it was never thought that trades unions were, nor did most of the unions want them to be, political associations or societies. But recently a change has taken place and now there is a desire that these unions shall be political societies as well as industrial unions. Some of the unions now seem very keen about the matter and wish to be allowed to use their funds for political

purposes. The Registrar of Friendly Societies, as far back as May, 1905, or in the early part of that year, when the Labour Government were in power, in reading some decisions of the English Courts that ruled that the funds of trades unions could not be legally used for political purposes, came to the conclusion that he had done wrong in registering, or would do wrong to continue to register unions whose rules contained words to the effect that they could use their funds for political purposes. This was during the time of the Labour Government, and either Mr. Holman or Mr. Hastie was the Minister for Labour, and these Ministers, although Labour Ministers, did not object to it. Several unions withdrew their rules and altered them according to the registrar's views, and after that several unions registered their rules omitting this objectionable rule. I say this now in justice to the present registrar because it has been asserted that he has been persuaded by the present Government to take this action. The registrar knew at the time that he was not making things any easier for himself, but he acted from conscientious motives and what he believed to be the true interpretation of the Act. Even as late as May of last year, just after the present Government assumed office the Western Australian Federated Miners' Industrial Union of Workers was registered. This is the miners' general council of Western Australia with which all the branches are affiliated. Not only did they not have a rule that the funds should be used for political purposes, but they had provided a special rule prohibiting the use of the funds for political purposes. It says, "Management funds shall not be used for political purposes or for any other purposes than the maintenance of the government of the federation in accordance with the rules." Members will recognise at once that if you have an industrial union, it will have certain funds exactly as a friendly society has, a fund for sick pay or out of work pay, and if we allow these unions to use their funds for political purposes what guarantee is there that they will not take, for instance, the out of work fund and use the money for political purposes? Trades unions are formed for industrial purposes, not for political purposes; that is the stand we have taken. About the middle of last year the unions began to object to the position taken up by the registrar and were very wrath with the registrar because he would not register the unions, and they approached me as Minister and on the advice of the Crown Law Department, who ruled that the unions could not legally use their funds for political purposes, I did not force the registrar to allow unions to use their funds for political purposes. When this question arose there were about 30 unions left which were properly registered under the Conciliation and Arbitration Act, and the Trades Union Act; and had the registrar desired to do so, in order to be consistent, he would have been forced to cancel 35 other unions. We informed those representatives that we did not want to be arbitrary but would give them an opportunity, if they desired it, to obtain a decision on the question from the Judge of the court. We told them that we had been advised on the question, and that the unions whose rules contained that clause could not be legally registered. Unfortunately, when the matter was brought before the Judge of the Arbitration Court he ruled that there was no appeal from the registrar's decision. That being so, matters remained as they had been before, and that is the reason why a clause is now inserted in the Bill, providing that in every instance an appeal shall lie from the registrar to the President of the Arbitration Court in such cases. Having received advice on the question it would have been easy to strike those unions off the register altogether; but, instead of doing that, we have now invited Parliament to say clearly what it desires in the matter. An opportunity has been given members to debate the clause and to say whether or not the funds of industrial unions should be used for political purposes. Parliament has the chance of saying whether it believes in the principle or not, and the

question will be able to be settled once and for all. Instead of the Government being criticised for bringing this matter forward they should, perhaps, receive some praise. [*Hon. W. Kingsmill*: You should have brought in the Bill in another House.] Criticism has been levelled at the Government on account of introducing the measure in this House. Possibly had the Government looked at the point in accordance with the arguments which have been adduced during this debate, they might, and probably would, have introduced the Bill in another place. The Government had no motive whatever in introducing the Bill here. There were two reasons which influenced them to do this; one being that the matter came under my own department and I had the Bill ready, and that there was time to deal with the question now instead of waiting perhaps until the end of the session. I do not agree with those who say that this is a party measure. Unfortunately it may be considered so; but members must realise that there is as much in the Bill for and against the employee as there is for and against the employer. The object is to settle disputes just as much in the interests of the employee as in the interests of the employer. The Hon. Mr. Pennefather, when speaking to the second reading, pointed out that on the English Royal Commission it was the employers really who wanted arbitration. After all, perhaps, it is as well that the measure was introduced in this Chamber for, there being no party question involved, fair and calm consideration can be given to the various clauses. [*Hon. W. Kingsmill*: And it will be knocked endway in another place.] It might have happened that the same fate would meet the Bill in this Chamber. Surely the reasons are not very important why the Bill should have been introduced in another place. Had I thought the Council would have taken any exception to its introduction here, the Government would have brought it first before the attention of another place. After all, however, our first duty is to this House, and it would be to a certain extent going against our rights and privileges to shirk the duty of dealing with this question first in this Chamber. I do not know that I have anything farther to add, but I thank hon. members for the reception they have given to the Bill, and trust that the measure will be passed finally by both Houses in a very similar form to that which it presents to-day. I believe it will be more workable than the present Act. After all, no law courts can compel a man to do right if he is not inclined to do so, and that maxim applies more to this measure than to any other.

Question put and passed.

Bill read a second time.

BILL—PUBLIC EDUCATION AMENDMENT.

Received from the Legislative Assembly, and read a first time.

ADJOURNMENT.

The House adjourned at 7.51 o'clock, until the next day.

Legislative Assembly,

Wednesday, 31st July, 1907.

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

Prayers.