land to put on a petrol tax for this purpose.

Hon. J. MITCHELL: This was a far-reaching power to give the Minister.

The Minister for Works: You have told us that three times already.

Hon. J. MITCHELL: The Minister had not explained why Parliament was not to be consulted with regard to the apportionment of the money.

The Minister for Works: If you want to stonewall you will get all you want.

Hon. J. MITCHELL: Members should be at liberty to ask the Minister the meaning of a clause.

The Minister for Works: You are not at liberty to repeat yourself time and time again.

Hon. J. MITCHELL: The Minister had not said why he should make this division without consulting Parliament. The authority of Parliament should be obtained before the amount was apportioned.

Clause put and passed.

Progress reported.

BILL—BILLS OF SALE ACT AMENDMENT.

Returned from the Legislative Council with an amendment.

ASSENT TO BILLS.

Message received notifying assent to the following Bills:—

1. Roman Catholic Church Property Amendment.
2. Prevention of Cruelty to Animals.
3. Unclaimed Moneys.
4. Fremantle-Kalgoorlie (Merredin-Coolgardie section) Railway.

House adjourned at 10.40 p.m.

Legislative Council,

Tuesday, 15th October, 1912.

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

QUESTION—HORSE-RACING LEGISLATION.

Hon. D. G. GAWLER asked the Colonial Secretary: Is it the intention of the Government to introduce legislation dealing either generally with the subject of horse-racing or in particular with the subject of unregistered racing clubs?

The Hon. J. M. DREW replied as follows:—The Government intends to introduce legislation dealing with horse-racing generally.

Hon. W. Kingsmill: When?

The COLONIAL SECRETARY: This session.

BILL—JETTIES REGULATION ACT AMENDMENT.

Introduced by the Colonial Secretary and read a first time.

NEW SANTA CLAUS LEASES.

Hon. R. D. McKENZIE: Unfortunately through illness last week I was prevented from coming to Perth as usual, and in consequence I have not had the opportunity of perusing the papers in connection with the New Santa Clause leases, which were laid on the Table in accordance with a motion I moved. Under those circumstances I do not intend to move the motion standing in my name, with reference to the appointment of a select committee to inquire into all the circumstances surrounding the forfeiture of the leases.

BILL — EDUCATION ACT AMENDMENT.

Read a third time and *passed.*

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the 10th October; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 48—Method of recommendation and selection of ordinary and deputy members:

Hon. J. E. DODD: It was his intention to ask members to agree to this clause being struck out. He proposed also to ask the House to delete all the clauses dealing with the ordinary members and deputy members of the court. That would allow the president to constitute the court.

Clause put and negatived.

Clause 49—negatived.

Clause 50—Existing court and members continued:

Hon. J. E. DODD moved an amendment—

That in line 1 of paragraph (b) the words "and the other members" be struck out.

Hon. J. D. CONNOLLY: By striking out these clauses would Clause 67 under which assessors might be called in by the court be affected?

Hon. J. E. DODD: It was not his intention to alter that. The assessors might be called in in order to deal with technical matters.

Amendment put and passed.

Hon. J. E. DODD moved a further amendment—

That in lines 2 and 3 of paragraph (b) the words "and ordinary members respectively" be struck out.

Amendment passed.

Hon. J. E. DODD moved a further amendment—

That all the words after "Act" in line 3 of paragraph (b) be struck out.

Hon. Sir E. H. WITTENOOM: In the event of an amendment being carried for the appointment of compulsory assessors some of these clauses might apply.

Hon. J. E. DODD: It was not possible to move an amendment for compulsory assessors being appointed. Such an amendment had already been lost. Personally he did not think that another place would agree to the amendments which had been made, but in order to get on it was necessary to make these amendments.

Amendment put and passed.

Hon. D. G. GAWLER: The Minister might consider even now whether the clause would read as it ought to read. It seemed to him that it would require to be redrafted.

Hon. J. E. DODD: At the previous sitting the Committee struck out parts of Clause 42, but did not strike out Subclause 2. He understood though that it would go out because of the amendment which had been carried.

The CHAIRMAN: It was struck out.

Clause as amended put and passed.

Clause 51—negatived.

Clause 52—Resignation of member:

Hon. J. E. DODD moved an amendment—

That at the beginning of the clause the words "Any member or deputy member" be struck out and "The president" be inserted in lieu.

Amendment passed; the clause as amended agreed to.

Clauses 53, 54 (consequential)—negatived.

Clause 55—Removal on address of Parliament:

Hon. J. E. DODD moved an amendment—

That in line 2 the words "any member or deputy member" be struck out and "the president" inserted in lieu.

Hon. M. L. MOSS: The whole clause should be deleted. If a judge misbehaved himself in the execution of his duty there was a way to remove him from office. Only a judge of the Supreme Court could be a president of the Arbitration Court, and when he was removed from office as a judge of the Supreme Court, he no longer possessed the qualification to be president of the Arbitration Court. This Bill and a number of others that had been brought down this session contained provision for a joint sitting of the two Houses of Parliament—in this case to remove a judge

from office for misbehaviour or incapacity. The principle of having joint sittings of the two Houses was one to which he had the strongest objection. It was an innovation in which he did not believe, and he would strive to keep the two Houses separate. The whole clause should be struck out, because of the two objectionable principles it contained.

Hon. J. E. Dodd: The amendment can be carried and then the Committee can vote on the clause as amended.

Hon. J. D. CONNOLLY : It would be a waste of time to carry the amendment and then vote on the clause. The Constitution Act provided that a judge of the Supreme Court might be removed from office for misbehaviour on a resolution of both Houses of Parliament. If a judge did not prove satisfactory in the Arbitration Court the Government could cancel his appointment as president and substitute another judge. The clause was providing a means of removing from office a president of the Arbitration Court, who must be a judge of the Supreme Court, in a way different from that to be adopted for the removal of any of the other three judges of the Supreme Court. That was not at all desirable.

The CHAIRMAN : The discussion was quite out of order. The question before the Committee was the striking out of certain words consequentially upon an amendment made at an earlier stage.

Amendment (to strike out words) put and passed.

Hon. M. L. MOSS : It was most important that when an attempt was being made to disturb a judge from his office all the safeguards contained in the Constitution should prevail. Indeed, he had grave doubts as to whether this clause was constitutional, because the High court had laid down the principle that the Constitution Act could not be amended by incorporating in another Act clauses contrary to the Constitution. The Constitution Act could only be amended by a specific amending measure.

The CHAIRMAN : The principle to which the hon. member alluded did not bear on this amendment as proposed. If the hon. member wished to achieve his object he must move an amendment dealing with the joint sittings of the two Houses.

Amendment (to insert the words "the President") put and passed.

On motions by Hon. J. E. DODD clause further amended by substituting "such" for "the" before "removal" in line 8 ; also by striking out "of such member or deputy member" and inserting "the president" in line 8; also by striking out "member or deputy member" in line 10 and inserting "the president" in lieu; also by adding the following words to stand as Subclause 2:—"A president shall cease to hold office if he ceases to be a judge of the Supreme Court."

Hon. A. SANDERSON : Members should support the views put forward by Mr. Moss and Mr. Connolly and prevent anything being taken away from the president of the Arbitration Court which now belonged to a judge of the Supreme Court. If the clause was passed as it now stood, the removal of the judge in the Arbitration Court would be decided at a joint meeting of the two Houses. It was essential to surround the president of the Arbitration Court with all possible safeguards to put him in the same position as a judge of the Supreme Court. The clause as amended did not do that.

Hon. F. Davies : What is your objection to a joint sitting ?

Hon. A. SANDERSON : Because it would be instituting a different procedure in the case of the president of the Arbitration Court from that in the case of a judge of the Supreme Court.

Hon. D. G. GAWLER : Why should any distinction be drawn between the president of the Arbitration Court who must be a judge of the Supreme Court, and a judge of the Supreme Court ? The Constitution Act clearly laid down the procedure in regard to removing a judge of the Supreme Court, and one failed to see why it should not be extended to a judge in his capacity as president of the Arbitration Court. The Government should show reason why any distinction should be created. It was a coincidence that Section 55 of the Constitution Act

and Clause 55 of this Bill should deal with the same subject.

Hon. J. E. DODD : It was necessary to have procedure laid down for removing members or deputy members of the court and the president, provided he was a layman, but now that the president of the Court was to be a judge of the Supreme Court, there was not much in retaining the clause. At any rate he did not wish to waste time in discussing it.

Hon. J. CORNELL : Members claimed that the president of the Arbitration Court should be beyond reproach and that no one could fulfil that function except a judge of the Supreme Court, and now they wished to stick to the old, stereotyped method of removing a judge; but whether it be a judge of the Supreme Court or any other person who was president of the Arbitration Court, to have provision for removing him from his office was wise. If a judge conscientiously performed his duties, it would be absolutely futile to attempt to remove him, so that there could be no objection to having a provision for removing a judge. The method of removing him was a different thing. It was claimed the method suggested in the Bill was unconstitutional, but the Crown Law authorities must have advised the Attorney General that the step outlined in the clause could be done.

Hon. M. L. Moss: We will admit it can be done, but it is not desirable.

Hon. J. CORNELL: The method proposed in the Bill would give opportunity to the country to know the ideas of the Legislative Council in regard to a fundamental reform. The Council were not prepared to put a democratic provision into the Bill. Their old, stereotyped methods were to be admired. Many members had passed the age of indiscretion; they were at that age when no force of argument would have any effect on them in regard to the position they were taking up; but the factors represented in the Chamber were dying out, and there was a younger generation coming forward. The proposal to remove the president at a joint sitting was a democratic one to which no judge could take exception. No judge would object to be tried by a joint sitting of both Houses. The clause provided a means for the expression of the popular will. As one House was elected on adult suffrage, and the other House on a property qualification, the opinions emphasised at the ballot boxes were very often totally distinct, but in this clause there was a provision whereby some measure of reform outside the hidebound Constitution could be put into operation so that the will of the people on some questions at least could be given effect to. Fighting the clause was like beating a dead horse; any effort to retain it would be futile, but some members did not regard the present so much as the future, and for that reason he supported the retention of the clause.

Hon. Sir. E. H. WITTENOOM: It was not desirable for a judge to be removed by the vote of two Houses sitting together. Unfortunately, we had now an example of how those connected with arbitration courts were treated. It was seen by the morning paper that a vote of censure had been passed on one of those who were trying to do their best in the Arbitration Court, on a gentleman recognised as a thoroughly conscientious man and as one who carried out his duties to the best of his ability. If the Liberal Government had a majority of 20 or 25 in another place, and that gentleman was brought up to have his actions adjudicated upon by the two Houses sitting together, he might not altogether feel very pleased at coming before a tribunal of that nature. With a Liberal majority, or any other majority, if there was any feeling in connection with the matter, the decision would depend entirely on the majority. All thinking and reflecting members, even be they old or past their time, and young and inexperienced members would recognise that the method to adopt to get rid of a judge of the Supreme Court as provided in the Constitution Act was better than the method proposed in the Bill.

Hon. M. L. MOSS : It was one of the cardinal features in the administration of justice that a judge of the Supreme

Court should be beyond political control as far as it was possible to make him. The old, stereotyped method referred to by Mr. Cornell existed in England and in the United States, and in all the Australian States and New Zealand. Why this old, stereotyped method was adopted wherever the British flag flew was because it was the greatest factor in maintaining the independence of the judiciary; and so we had it in our Constitution Act, and members were standing up to keep that old, stereotyped method going, because they sought to maintain the independence of the judiciary. Mr. Cornell had said that no judge would take exception to a vote of no-confidence being passed on him in the manner prescribed in the Bill, but it was not the judge that must be considered, it was the general interests of the whole of the people; it was not a question of consulting the judge or the feelings of the judge, it was a question of doing that which would put the judge in such a position that he could most fearlessly do his duty according to his conscience.

Hon. J. Cornell: Or otherwise.

Hon. M. L. MOSS: Perhaps the hon. member thought that putting a man believed to be of irreproachable character in a position of this kind, and hedging him around with all the safeguards made that man corruptible. That might be the hon. member's opinion; it was not the opinion of others. Mr. Somerville's case could illustrate what might happen to a judge. Where the game of party politics was played in another place when, perhaps, under the circumstances existing at the time, the dominant party outnumbered the Opposition to such an extent that they could absolutely neutralise the vote of the members of the Council, with party feeling running high on the question of industrial peace and with the judge acting as Mr. Somerville had acted according to the dictates of his conscience in doing what he thought right but what the Labour organisations throughout the country thought was unfair—that the judge had acted corruptly—there was no doubt what kind of a resolution would be passed. If the Labour party were in power and the fiat went forth from the Trades Hall that the judge was to be cashiered, a resolution would be passed accordingly; and if the Liberal party were in power and similar pressure were brought to bear, the result might be of a similar nature. Mr. Cornell and some of his political friends would have it that we voted on party lines in this as well as in the other House.

Hon. J. W. Kirwan: This is the more extreme party House of the two.

Hon. M. L. MOSS: The hon. member was quite entitled to hold that opinion; yet it would be found that other Ministers who had represented the Government in this House had been compelled to face the music from time to time.

Hon. J. W. Kirwan: It is only when the Labour party is in power that this is a party House.

Hon. M. L. MOSS: That was not so. The measures introduced by Mr. Connolly had been subjected to just as strong criticism as the measures we had considered this session.

Hon. J. W. Kirwan: What about the Redistribution of Seats Bill?

Hon. M. L. MOSS: That proved nothing at all. He was dealing with what the hon. member knew to be a fact, namely, that, taking a long series of years, all the measures had been subjected to fair criticism, and no Minister had had an easy passage in the House.

Hon. J. W. Kirwan: I do not know anything of the kind.

Hon. M. L. MOSS: If the hon. member was not aware of this it could not be helped. If there was any point on which considerable political influence would be brought to bear, it was in respect to such a situation as might arise in regard to a judge who had given an unsatisfactory decision. When we made a judge master of all industries in the State we should hedge round his position with safeguards with a view to making him as independent as possible.

Hon. J. E. DODD: It seemed to him it was immaterial whether the clause was struck out or retained. It was inconceivable that in such a State as this we should be limited in our choice to two men, notwithstanding which it was pro-

posed that whichever of these two men was appointed he should be practically incapable of being removed. It was inconceivable that we should not have some safeguard against an unsatisfactory discharge of duty on the part of the President of the Arbitration Court. We had none but Mr. Justice Burnside and Mr. Justice Rooth to choose from. One of the other judges, it was understood, had received an undertaking before he came out that he would not be asked to take on this work.

Hon. Sir E. H. Wittenoom: Why not put someone else in his place if he will not do what he is asked to do?

Hon. J. E. DODD: That was the very point.

Hon. D. G. Gawler: Even under this proposal you could only remove him for incapacity or misbehaviour.

Hon. J. E. DODD: That was what he was endeavouring to show. We had really only two men from whom to choose, and we were asked to say that when we had chosen one he should be practically incapable of removal. Mention had been made of the case of Mr. Somerville. Nobody admired Mr. Somerville more than did he (Hon. J. E. Dodd), and none more fully appreciated the fact that Mr. Somerville had a very difficult task to perform; but surely if it was found that a judge of the court, whether president or layman, did something wrong, we should have some effective means of removing him. At present the only means provided was that the two Houses, sitting separately, should pass resolutions to that effect.

Hon. J. F. Cullen: That is your only provision for any legislation at all.

Hon. J. E. DODD: It was remarkable that 80 members of Parliament should not have the power of saying that the President of the Arbitration Court should be removed.

Hon. M. L. Moss: They have the power, in a constitutional way.

Hon. J. E. DODD: Only that the two Houses, sitting separately, could pass resolutions, as a result of which the judge could be removed. He was not at all seized with the fact that of 300,000 people in the State 299,998 were unfitted for the position.

Hon. J. F. CULLEN: The Minister was confusing the issues. No hon. member had spoken against constitutional provision for the removal of a judge who had given cause for being removed. Speeches had been made against the innovation of allowing a dominant majority in the larger House to outvote and override the other House. It was a dangerous innovation. The hon. member's argument might be used for the holding of joint sittings on any and every vexed question. It would be a short road for any Government to take, if this principle were pushed through. The whole of the safeguards for legislation and administration would be risked, if not destroyed, by such an innovation. Where was the difficulty of constitutional action? If a judge had misbehaved, was it to be assumed that one House would be less careful of the honour of the country and the rights of administration than the other? He hoped there would be a very decisive vote against this dangerous innovation.

Hon. F. DAVIS: In the course of the second reading debate, exception had been taken to the large powers to be invested in the President of the Arbitration Court, who, it was said, would practically be the court. If we were going to give one man such great powers, was it not reasonable that a higher authority should have some control over that man—some control more than was provided for under existing conditions? If the extensive powers of that man would be so dangerous, the Committee would do well to agree to the clause.

Hon. J. F. Cullen: No, we must maintain the appeal from him.

Hon. F. DAVIS: In the Federal Legislature provision existed for the joint sitting of both Houses in the case of a deadlock.

Hon. J. W. Kirwan: And that is in the newest Constitution in Australia.

The CHAIRMAN: Whilst it was extremely disorderly to interrupt a member speaking, it was still more disorderly for other hon. members to conduct conversations between one and another.

Hon. F. DAVIS: If the provision obtained in the Commonwealth Constitution, it could be well incorporated into the Constitution of this State. In his opinion, such a provision would work well.

Hon. A. SANDERSON: Surely there was a great difference between a provision for both Houses of the Commonwealth Parliament sitting together to get over a Constitutional deadlock, and a provision in the State Constitution for the two Houses to sit together with a view to getting a party vote on the question of the removal of an individual judge. The essence of the whole thing was the independence of the judge. Apparently the Honorary Minister, and other hon. members supporting him, desired that the Government of the day should have control over the judge of the court—a most dangerous procedure. We had had from the Minister a statement that it did not matter much what we did with the Bill, presumably because our amendments were not going to be accepted by the Government. This question of the judge was the only point on which he (Hon. A. Sanderson) was now fighting with any degree of interest. It seemed to him an absolutely essential point, and he hoped it would be thoroughly thrashed out. He was fighting for the independence of the President of the Arbitration Court. The Minister and his followers seemed to wish that Parliament, democracy, and the people should decide any vexed question which arose. History showed the extreme importance of establishing the independence of the judges.

Hon. J. CORNELL: It was claimed that the president would be above party suspicion and Parliament could not bring him to book except in very grave circumstances. If members were logical, why should not Parliaments be elected in perpetuity?

Hon. D. G. Gawler: They have to keep abreast of public opinion.

Hon. J. CORNELL: Yes, and judges should also do the same in matters of common sense, and not decide cases on something that happened two thousand years ago.

Hon. Sir E. H. Wittenoom: A judge keeps abreast of the evidence.

Hon. J. CORNELL: The president of the court had to disregard the rules of evidence. It would be possible to have sixty-four members of one opinion and sixteen to the contrary, and the sixteen would rule. It was about time an end was put to that sort of thing.

Clause as amended put and declared negatived.

Hon. J. E. Dodd called for a division.

The CHAIRMAN: There were no voices for the question and it was necessary for more than one voice to be heard on the other side before a division could be called for. However, the question would be put again.

Clause as amended put and a division taken with the following result:—

Ayes	6
Noes	16
Majority against ..	10

AYES.

Hon. R. G. Ardagh	Hon. J. E. Dodd
Hon. J. Cornell	Hon. J. M. Drew
Hon. F. Davis	Hon. B. C. O'Brien (*Teller*).

NOES.

Hon. E. M. Clarke	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. R. D. McKenzie
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. F. Cullen	Hon. M. L. Moss
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. Sir J. W. Hackett	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. Sir E. H. Wittenoom
Hon. E. J. Lynn	Hon. T. H. Wilding (*Teller*).

Clause, as amended, thus negatived.

Clause 56 (consequential)—negatived.

Clause 57—Oath of office and secrecy:

Hon. J. E. DODD moved an amendment—

That all words after "upon" in line one be struck out and the following inserted in lieu:—"his office the president shall make oath or affirmation that he will faithfully and impartially perform the duties of his office and that he will not, except in the discharge of his duties, disclose to any person any evidence or other matter brought before the court. (2.) Such oath or affirmation shall be taken and made before a judge of the Supreme Court.

The CHAIRMAN: The Minister was sailing very close to the wind in the matter of the inadmissibility of an amendment. The amendment should take the form of a new clause. However, he did not intend to insist on the point. If members turned up *May* at page 459 it would be seen that amendments of this sort were not as a rule admitted, namely, striking out the whole of the clause with the exception of unimportant words and substituting a new clause. The amendment would be allowed on this occasion, but it was not usual to accept an amendment of this nature.

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

Clause 58—agreed to.

Postponed Clause 4—Interpretation:

The CHAIRMAN: An amendment had been moved by Mr. Wilding as follows:—"That after paragraph (c.) of the definition of 'Industry' the following words be added:—'provided that there shall be excluded from the definition of "industry" the agricultural and pastoral industries.'"

Hon. H. P. COLEBATCH: It would probably be better to continue the consideration of the jurisdiction of the court before going back to Clause 4. In regard to the matter of jurisdiction, an important amendment had been tabled by Mr. Connolly to give power to any party to demand assessors in much the same way as a party in the ordinary courts had a right to demand a jury. If the pastoral industry was included in the measure it would be important that the parties, if they desired, should be able to demand that assessors should sit with the judge. Otherwise, he would support Mr. Wilding's amendment.

Hon. J. E. DODD: No good purpose would be served by further postponing Clause 4, as we would not know where we were. The matter was fully discussed and it had been discussed last session. He was not making any threat, but he was satisfied that the Bill as amended would not be accepted. It was just as well for him to say at this stage that if the measure was not accepted on the previous occasion, he was sure it would not be accepted this time.

Hon. Sir E. H. WITTENOOM: If that was the case, he suggested that the Minister should report progress and ascertain whether we should go on with the measure. It would be no use wasting time if the Government did not intend to accept the Bill as amended.

Hon. J. D. CONNOLLY: The definition clause should be further postponed as the discussion would then be shortened. The definition clause could be dealt with just as well after the consideration of the rest of the Bill. When the principles of the Bill had been dealt with it was only a formal matter to fix the definition clause. The Minister might adopt that course and postpone the definition clause until the end of the Bill.

Hon. J. CORNELL: It was to be hoped the clause would not be postponed. If the amendment now before the Committee was carried members could do as they liked with the Bill as far as he was concerned, and he would do what he liked outside as to the opinions he held of this Chamber. He wished to see a workable Arbitration Bill adopted and was anxious that all industries should be included.

Hon. A. SANDERSON: The difficulty in voting on the question was not that there would be a straight out vote on this important matter, but as to the postponement of the clause. If he understood the remarks of Mr. Colebatch as to the inclusion of the pastoral and agricultural industries, that member was inclined to consider the desirability of including them if he got a judge in whom he had confidence and assessors were appointed. He (Mr. Sanderson) was going to support the inclusion of the agricultural and pastoral industries for two reasons. The first was, that he had assured his constituents—and they were the only people he regarded himself as responsible to—that he would not try to block any Bill unfairly. The Committee had insisted on the independence of the judge and we were told the Government had a mandate from the country to introduce compulsory arbitration; therefore he thought it was a curious procedure for the Council to take upon itself to strike out what was one of the most important

branches of industry in the country. It seemed to him a most curious and short-sighted policy on the part of the agricultural and pastoral industries, to ask that arbitration should be applied to other industries and not applied to their own, because it was most difficult to manage. The workers were able to look after themselves, arbitration court or no arbitration court, but as to domestic servants and the agricultural employees, if the opinion of the country was that the system was sound, he wanted to see the weakest sections of the community brought under its care. These were the two reasons he gave for supporting the inclusion of the pastoral and agricultural industries.

Hon. T. H. Wilding: Would the hon. member include them if they did not wish to join?

Hon. A. SANDERSON: That was the question he wished to ask about other industries; dragging people into the court who did not want to have anything to do with it. He was compelled to accept the system of compulsory arbitration which he thought radically unsound. Did the hon. member (Mr. Wilding) speak of the agricultural labourers or the agricultural employers? If he spoke on behalf of the agricultural labourers there might be some force in his argument.

Hon. T. H. WILDING: About two years ago an agricultural labourers' union was formed in Northam and that union consisted of railway employees, members of Parliament, or anyone not connected with agriculture. There was no one connected with agriculture in the union except two or three men who were chaffcutters going about taking contracts for cutting chaff and one agricultural man. The agricultural employees did not wish to join the union and although it had been going for two years in Northam it had been unable to get agricultural members.

Hon. F. Davis: There might be other reasons for members not joining.

Hon. R. D. McKENZIE: While preferring that the interpretation clause should be postponed until the end of the Bill, if a division was taken on the question of the inclusion of agricultural labourers he would support the subclause as it stood. He was not prepared to differentiate between the labourers in the various industries of the State. If compulsory arbitration was to be the policy of the State it should apply to the agricultural and pastoral industries as much as it would to mining and other industries. If compulsory arbitration was good for one section of the community it should be good for all. He was now satisfied with the constitution of the court and he was prepared to include the agricultural and pastoral industries in the Bill.

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

Ayes	.. .. ..	11
Noes	.. .. ..	12
Majority against	..	1

AYES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. M. L. Moss
Hon. C. McKenzie	(*Teller*).

NOES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. F. Davis	Hon. R. D. McKenzie
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. R. G. Ardagh
Hon. Sir J. W. Hackett	(*Teller*).
Hon. A. G. Jenkins	

Amendment thus negatived.

Hon. M. L. MOSS moved an amendment—

That at the end of the definition of "worker" the following be added:—"But shall not include any person engaged in performing domestic services."

He proposed to exclude from the definition of "worker" domestic servants. If the amendment was carried that would be a class of persons in respect of whom it would not be possible to get an award from the Arbitration Court. He did not think it necessary to include domestic servants in a provision of this kind.

Hon. J. E. DODD: As far as possible it was intended that the measure should apply to all workers in all industries,

and he failed to see why we should exempt anyone. If there was anyone who should be brought under this measure it was the domestic servants, and probably there was no body of workers more sweated than domestic servants. There might be times, however, when they were able to command higher wages owing to scarcity of labour.

Hon. A. SANDERSON: With regard to the statement of the Minister about domestics being sweated, it was almost a common statement in this country, but most of us knew that domestic servants were practically master and mistresses of the situation, who were well able to look after themselves. They had never had a union or a strike, and he did not know that they were paid more anywhere else than in Western Australia at the present time.

Hon. C. SOMMERS: The Honorary Minister had stated that no one was more sweated than domestic servants, but from his experience it was the employers who were the sufferers. So far as he knew there was no more independent body of workers than the domestic servants.

Hon. F. DAVIS: If domestic servants were in the fortunate position that some members would lead the Committee to believe they were in there should be no fear about their inclusion in the Bill.

Hon. J. D. CONNOLLY: To show the absurdity of the remarks of the Honorary Minister regarding the sweating of domestic servants, it was only necessary to turn up the records of the Arbitration Court, and to note the award of the tailors and tailoresses. In regard to the latter, trousers hands were paid £1 15s., coat hands £2, and vest hands £1 15s., and that was without board or lodging. It would be a poor domestic servant who would not be able to obtain £1 or 25s. a week with her board and lodging.

Hon. J. Cornell: For what hours?

Hon. J. D. CONNOLLY: Probably shorter hours than tailoresses, and working under healthier conditions, while the tailoresses might probably be girls who had spent three or four years in learning their trade. Which then was the better off?

Hon. J. E. DODD: It was pleasing to him to hear that the position of the bulk of the domestic servants was so good. The only remarkable thing about it was that all those female workers in other industries did not leave their employment in order to secure domestic service.

Hon. J. D. Connolly: The sensible ones do.

Hon. J. E. DODD: The statement he had made was that, generally speaking, the domestic servants were the most sweated class of workers, and he repeated that statement, and what he further said was that at times where there was a scarcity of domestic labour there might be instances where this class were better off. There were very few indeed who got 25s. and 30s. a week.

Hon. J. D. Connolly: I said £1 and 25s. a week.

Hon. J. E. DODD: In addition they were working all hours and for seven days a week, and 365 days a year. The tailoresses who had been quoted worked six days a week and their hours were limited.

Hon. H. P. COLEBATCH: There would be no particular objection on his part to the inclusion of domestic servants, but he must first know what kind of court we were to have. If servants were to be included in the measure, and if they got better conditions than they had now, it would result in a large section of the community being unable to afford the luxury of employing domestic servants. It was not his intention to support an amendment of that kind, or any other amendment until he knew what the constitution or the procedure of the court would be.

Hon. D. G. GAWLER: It was his intention to support the inclusion of domestic servants, because we had permitted to be included in the word industries all sorts of wide terms. We therefore could not preclude domestic servants. The measure should operate in its widest extent.

Hon. M. L. MOSS: Was this not a great interference with home life? Mr. Dodd said that domestic servants were one of the most sweated classes of the community, and it was to be presumed

that there would be a union formed in due time and one of the demands would be that there should be two shifts of servants. Then there would be most extraordinary demands for additional privileges, and there would be in addition an increase in the wages paid, with the result that people of moderate means would not be able to pay for this class of labour. Then we would force out of home life a large section of the community, and we would be doing something which would be more destructive to what was best for the community than anything he knew of.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. F. CULLEN: It was not worth while making this one exception, and Mr. Moss would do well to let this point go. As the agricultural and pastoral industries had been brought under the Bill, it was not worth while holding out on this question, especially as there was a greater risk of stringent, and perhaps harsh treatment of some domestic servants than of agricultural labourers, who were better able to look after themselves. If the amendment was taken to a division, he would vote against it.

Hon. M. L. MOSS: Did the Committee quite realise what the clause meant? There would be industrial inspectors appointed, and in defiance of the adage that an Englishman's home was his castle, these inspectors would be entitled to invade the sanctuary of the house, and question the servants. Secretaries of unions would also be entitled to go into the house, with as much freedom as was given to those officials in other avocations. Employers would be obliged to allow the servants time off in order that the union secretary could be consulted as to whether what was taking place in the house was in accordance with the terms of the arbitration award. Members did not realise how ridiculous the whole thing was.

Hon. J. CORNELL: It was pleasing to learn that there was one section of the community who occupied a commanding position, as seemed to be the case with domestic servants, if the remarks of members were true that it was a sort of tyranny to live with domestic servants, so high-handed were they in their demands. If that was the position, then even if provision was made for them to go to the court, they would think long before taking such action. Although he had never employed domestic servants, he had married one, and for that reason, claimed to speak with some knowledge on the subject. Generally speaking, if more of the community returned to the cottage life and employed fewer domestic servants, the home life would be very much better. The object of the Bill was to place arbitration at the disposal of all workers in the community. Mr. Connolly had referred to the tailoring trade, but there was no comparison between the work of tailoresses and that of domestic servants. There were no set hours for domestic servants. The mistress might set hours for the servants, but the best plans went wrong occasionally, and the servants had to forego their rights. Whilst it might be true that tailoresses took four hours to learn their trade, still it took a cook a life-time to learn her work, and domestic service was more arduous than some members would lead the Committee to believe. The Bill should not differentiate between any classes of workers. The trials which employers said they were subject to by employing domestic servants formed no argument against the provisions of this Bill, because no one was compelled to employ domestic labour. A person did not employ domestic labour out of charity, but for his own utility. The domestic servant sought to earn her livelihood in the same way as any other worker; she sold her labour, and had as much right to be brought under the Arbitration Act as any worker in the community. If the amendment was carried, it would be necessary to insert an interpretation of "work of a domestic character." The Government were making the Bill apply to all classes of Government servants, and this included many domestic servants in hospitals and other public institutions. On the common ground of justice there should be no differentiation between domestic workers and the highest classes of skilled labour in the industrial world.

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

Ayes	9
Noes	12
Majority against ..	3

AYES.

Hon. E. M. Clarke	Hon. C. Sommers
Hon. H. P. Colebatch	Hon. T. H. Wilding
Hon. J. D. Connolly	Hon. Sir E. H. Wittenoom
Hon. E. McLarty	Hon. R. J. Lynn
Hon. M. L. Moss	(*Teller.*)

NOES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. F. Cullen	Hon. R. D. McKenzie
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	(*Teller*).
Hon. D. G. Gawler	

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clause 5—agreed to.

Clause 6—What societies may be registered:

Hon. M. L. MOSS: Notice had been given to move an amendment to Subclause 1 relating to composite unions, but in view of the previous decision of the Committee in regard to this matter he would await another opportunity. Then if the Committee agreed with him it would be necessary to recommit the Bill to make consequential amendments.

On motion by Hon. J. E. DODD, Subclause 4, paragraph (a) was amended in line 4 by striking out the words "the court (or if the court is not sitting)."

Hon. J. E. DODD moved a further amendment—

That after "union" in line 5 of Subclause 4, paragraph (a) the following words be inserted:—"or validate the registration or supposed registration prior to the commencement of this Act of such society as an 'industrial union'."

There were societies which if they were challenged in the court might possibly be held not to be duly registered unions. The object of the amendment was to make the clause more certain in fixing the validity of the registration.

Hon. J. D. Connolly: In other words, you want to override the Act?

Hon. J. E. DODD: No. It was merely seeking to validate what was always understood to be a registration previous to a recent decision of the court. There was no desire to hide the purpose of the amendment. It was to bring about the validity of the registration of some unions whose registration was doubtful.

Hon. H. P. COLEBATCH: The words "supposed registration" required explanation. One never heard of such an expression being used in a statute. It should be sufficient to make provision in the Bill for everyone to come under it, and then if there was any doubt as to the registration of a union let it register again. It was ridiculous using such words in a statute as "supposed registration."

Hon. J. E. DODD: Last session a clause was carried validating certain supposed awards. Decisions given by the Chief Justice and by Mr. Justice Burnside were conflicting, and certain awards were rendered null and void, but were sought to be validated by last session's Bill. If there was anything ridiculous in the amendment, then the decision of the House last year was equally ridiculous.

Hon. H. P. Colebatch: Presumably those awards were specified.

Hon. J. E. DODD: They were not specified. If the Act was carried out in its present entirety not one-half of the registrations of the unions would hold good.

Hon. A. G. Jenkins: They can register afresh under this Bill?

Hon. J. E. DODD: Yes.

Hon. D. G. Gawler: It was never intended the Act should apply to those unions.

Hon. J. E. DODD: It was doubtful whether there were six unions properly registered under the existing Act.

Hon. D. G. Gawler: I was speaking of the shop assistants more particularly.

Hon. J. E. DODD: That was one case it was sought to validate. The surface workers' union at Kalgoorlie was another case.

Hon. J. D. Connolly: That is no argument for passing this amendment.

Hon. J. E. DODD: The object of the amendment was to validate the registrations of these unions. The registrar had registered them, but the court had not upheld the registration, or a recent decision had given rise to the belief that the registrations would not hold good.

Hon. M. L. MOSS: It was a common practice to validate a rate improperly struck by a local authority, but members always knew what they were asked to validate, and presumably in the case of the awards mentioned by the Honorary Minister members were sufficiently informed to enable them to know what they were validating, but here members were asked to do a wholesale validation on the blind, and accept a drag-net provision to take in everything. He would not vote on the blind. If it were a specific instance like that of the shop assistants and warehouse employees he could exercise an intelligent vote, but it was ridiculous to ask members to validate everything. If any registrations were defective they could be easily dealt with when this Bill became law. It did not require much skill to ascertain whether there was any defects in a union's rules under the new Bill.

Hon. J. CORNELL: Motives were attributed to the Government which were not intended. The Government were merely trying to get over a difficulty created by the present Act. Unions were confined to a specific industry, but they had gone outside this, and though it was easy to effect registration, it was hard to uphold the registration before the court. All the amendment proposed was that a union now registered could apply to the court and have a case heard before a judge. If the judge ruled the registration was not valid it would be necessary to take proceedings to bring the union into line with his dictum, but it was desired to get over the difficulty of a union being registered only to have the court throw it out. The question of grouping industries and composite unionism rested entirely on the interpretation the judge would put on this clause. If the judge could not validate the shop assistants' registration, then the grouping of industries went by the board, unless the matter could be taken to a higher court and the judge's decision on this point of his jurisdiction held to be wrong. If the Council put in the Bill that unions at present registered were registered by Act of Parliament he would thank them, but the Bill did not propose to do this. There were numerous unions such as the shop assistants and the fifteen engine-drivers' unions that were concerned. If the Committee would make them unions by Act of Parliament he would welcome it.

Hon. A. SANDERSON: If it was certain that the amendment would be carried, he would not have risen. The trouble in this non-party House was that each individual member had to carefully consider every question for himself, instead of having a leader to follow. Since we had a judge of the Supreme Court as president of the Arbitration Court, we should be prepared to give to the court as much power as we could. He regarded the proposed amendment as a means whereby the old technicalities would be obviated, and under which it would be much easier for any body of men to go before the court and get a decision; that, he took it, was the object of the amendment. Mr. Moss's criticism about it being a drag-net proposal was the very thing that appealed to him (Hon. A. Sanderson), for he wanted to drag everybody before the court. As we were to be protected by having a judge of the Supreme Court sitting in the Arbitration Court, the more power we gave him the better. He would vote in favour of the amendment, because by its means more people would be brought before the court.

Hon. M. L. MOSS: The hon. member had said he desired to give the judge all the power necessary to bring in all kinds of people. This was nothing to do with the judge at all. There might be unions wrongly registered, and without giving the judge an opportunity of saying so, the amendment proposed to validate those supposed registrations of unions which had taken place prior to the passing of the measure. The judge would not be allowed to express an opinion in the matter, for Parliament would have

stepped in over the judge and validated all these things which might be illegal. There was no objection whatever to leaving the question to the judge.

Hon. J. D. CONNOLLY: It was the most extraordinary amendment that ever Minister had proposed to a Bill. Mr. Dodd had told the Committee that possibly there were not six unions whose registrations would be held to be valid under the existing Act. But we were now dealing with a consolidating Bill. Under the Bill there was provided an appeal to the court from the registrar's decision.

Hon. J. Cornell: His decision is not final.

Hon. J. D. CONNOLLY: It was practically final.

Hon. J. Cornell: What about the shop assistants?

Hon. J. D. CONNOLLY: The hon. member was now talking about another matter altogether. If the registrar refused to register a union there was no power in the existing Act to compel him to do so; but under the Bill there was a provision for appeal to the court from the decision of the registrar. We were asked by the Honorary Minister to validate the supposed registration of unions prior to the Bill becoming an Act. Under what conditions had these unions been registered? It might be that while such registrations were valid under the existing Act they would not be valid under the Bill. We were not even told which the unions were. In any case, if those unions were wrongly registered, by what line of reason could the Minister argue that their registration should be validated?

Hon. M. L. MOSS: It was necessary to correct a misstatement into which he had fallen. On a more careful perusal of the clause it had been found that provision was made for the President of the Arbitration Court to express an opinion in regard to the validation.

Hon. J. F. CULLEN: The clause did not commend itself, for the reason that it was very bad law to cite under a general clause some particular samples which were to be brought within it. The judge himself might object to having cast upon him the duty of validating doubtful registrations. It would be well if the Minister postponed the clause and endeavoured to put it into better shape. The real essence of the clause would, of course, come up for careful discussion under Clause 60, and he was content to allow the amendment to go through in view of that prospective discussion.

Hon. D. G. GAWLER: The amendment provided that the president should say that in respect to those who had been registered, although not belonging to one specific industry, yet their registration would be valid. He did not like the clause, because under the existing Act it was absolutely clear that it was never intended to allow unions to be registered unless they belonged to one specific industry. We should not agree to something which was not good law; we were trying to make good law of what, under the existing Act, was absolutely bad law.

Hon. J. Cornell: We know that it was bad law, but we are now asking that it should become good law.

Hon. D. G. GAWLER: The amendment was asking the Committee to go farther, and say that those who were wrong should now be right, and might be registered.

Hon. H. P. COLEBATCH: The addition to the clause would carry it further than Mr. Gawler suggested. It would not only permit the president to validate registrations which were invalid under the old Act, but it would permit him to validate them although they might be invalid under the new law. That was most objectionable. His objection to the amendment was that he did not know what "supposed registration" meant. He could follow the meaning of Clause 5, which referred to unions registered or purporting to be registered, but what "supposed registration" meant he could not understand.

Hon. J. E. DODD: The argument would be better fitted to the discussion of the clause as a whole. The Act was brought into existence to settle industrial disputes free from all technicalities. When the measure was first introduced in 1902 no one intended that such barriers should be put in the way of the settlement of industrial disputes. The object of the pre-

sent measure was to get the conflicting parties together to endeavour to settle disputes.

Hon. D. G. Gawler: But with equal rights as to organisation.

Hon. J. E. DODD: During the second reading attention was drawn to two decisions in the shop assistants' case. They came before Judge Rooth, who held that the shop assistants' calling was an industry.

Hon. D. G. Gawler: I think that was only what they call an *obiter dictum*.

Hon. J. E. DODD: The decision of Judge Burnside was just the reverse. It had been held that shop assistants could register; yet nine years afterwards another judge held that shop-keeping was not an industry.

Hon. D. G. Gawler: Is shop-keeping an industry?

Hon. J. E. DODD: Any sensible man would say, whether shop-keeping was an industry or not that the assistants should have recourse to the court.

Hon. D. G. Gawler: This is an industrial arbitration court.

Hon. J. E. DODD: Nobody ever dreamed that technicalities would be carried to such lengths as to put shop assistants out of court. We were seeking to make it possible for such unions as shop assistants to have recourse to the law, and not only shop assistants but with clerks, engine-drivers, firemen and in almost every industry the position was the same. The utmost thought and attention had been given to these clauses. They were passed in another place and after that Cabinet and the Crown Law Department had considered them and the result of the investigations had been the tabling of the amendments to make it absolutely clear that these unions should have the right to go to the court. He failed to see why we should seek to deny them that right.

Hon. D. G. Gawler: Shop assistants can go to the court through their respective unions.

Hon. J. E. DODD: If they were forced to do that it would mean disorganisation of the whole fabric of unionism as far as they were concerned.

Hon. D. G. Gawler: What about the employers?

Hon. J. E. DODD: Why stop the shop assistants if they wished to go to the court? If the employers could bring arguments against them well and good. His object was to make sure that any union such as the shop assistants' union could approach the court. The matter was in the hands of the president who would be a Supreme Court judge.

Hon. M. L. MOSS: It was desirable when parties went to the court that the issue should be as clean cut as possible. From the Minister's remarks it was apparently intended that all clerks should be able to belong to one union. The shop assistants were thrown out of court because their members included many who were employed in different industries and who should have approached the court separately. The relief which would be sought by one branch would be quite different from that sought by another and the greatest difficulty would be experienced in the preparation of cases if composite unions were allowed. How could we compare the work of a tally clerk on the wharf or at the railway station with that of a clerk in a merchant's or a solicitor's office? The work was so dissimilar that an award could never be framed to embrace all the different kinds of clerks employed in the different industries.

Hon. J. E. Dodd: Why not?

Hon. M. L. MOSS: We would have probably a hundred parties before the court.

Hon. J. E. Dodd: How would you do it otherwise.

Hon. M. L. MOSS: What was to prevent law clerks and tally clerks from forming their own unions? It seemed to be the intention to put them into one union to make the difficulties in dealing with them as great as possible. In the notes of a conference held in Perth at which all the large employers of labour were represented it was stated—

> We should object strongly to the registration of any union comprising more than one trade as in the case of shop assistants and warehousemens' em-

ployees, which include a large number of dissimilar employments.

That was the objection. When the employments were similar there was no objection to them being in one union, but when the employments were dissimilar it was very inconvenient to have them all before the court in one citation.

Hon. A. SANDERSON: The last speaker had not convinced him. There would be a difficulty under the proposal, but under Mr. Moss's proposal it seemed impossible to get justice and satisfaction. We should consider what the feelings of shop assistants had been for the last 18 months. The position was intolerable for them. They were the best judges of which union they should join. If they joined one big union let the judge sit and decide the question and the wages they were to receive. It was the same with the clerk who was engaged on the wharf or a law clerk or a merchant's clerk. It was difficult, but each man should have power to join whatever union he liked and go to the court for a decision.

Hon. J. F. Cullen: Individually.

Hon. A. SANDERSON: Yes, individually.

Hon. J. F. Cullen: It is hopeless.

Hon. A. SANDERSON: It seemed that the only members who realised that were the Minister and himself who would if possible repeal all this legislation. There was no power, however, to repeal the compulsory industrial system. It should not be necessary to emphasise the point about the judge. Surely it should satisfy Mr. Moss that the power was given to the president to decide what arrangements should be made with regard to an application for registration or grading.

Hon. D. G. GAWLER: It was a prostitution of the English language to call shopkeeping an industry. By extraordinary efforts all sorts of clauses had to be brought into the Bill to maintain the idea which it was desired to follow up. It was only intended to apply to industrial unions. An extract from a pamphlet issued by the Chamber of Mines might be read. They said—

> In the Amending Act of 1911, the Government proposes to extend the definition of the term "industry," by (a), in the case of employers, the term "industry" is used in the sense assigned to it by Mr. Justice Isaacs. By (b), in the case of employees the term is used in a wider sense, and includes handicraft, avocation and occupation. In other words, the Amending Act constitutes industries of carpentering, plumbing, cooking, carting, and so on. Then the Act provides that all the carpenters, plumbers, cooks, carters, and so on throughout Australia can organise themselves into vast unions, and that these unions shall receive recognition under the Arbitration Act. It next follows that they can by a mere formality appear to make a common demand, say for an all round rise in wages, and can thus bring themselves before the court. But the various employers of carpenters, plumbers, cooks, carters, and so on throughout Australia are persons engaged in hosts of different industries. They are not engaged in the industry of carpentering, plumbing, cooking, or carting. There is no nexus between them; they have nothing in common. There is not and there cannot be anything in common between a mine-owner in Kalgoorlie who employs engineers, and the proprietor of a small soda-water manufactory in Rockampton who employs an engineer. Employers, widely scattered and engaged in diverse businesses, cannot possibly organise or be represented before the court on a basis of common interest.

Mr. Justice Barton summed up—

> How can a number of employers thus diverse and unlike in their aims combine to any purpose for mutual protection in the absence of the common interest which is the very motive of defence? How could conciliation or arbitration operate in the full measure contemplated by the Act under such conditions.

In the first place all those unions had their remedy. It was said that these unions were so small that they could be crushed by their employers. But what about the employers?

Hon. R. G. Ardagh: You cannot crush them.

Hon. D. G. GAWLER: How could they combine for their own protection? In the case of the building trade it was possible to have a union of the different trades, because on the other side there were the builders.

Hon. J. D. Connolly: What distinction is there between say a paper-hanger and a granite mason?

Hon. D. G. GAWLER: What he was speaking of were the employers on the other side. A man who made a locomotive and the conditions under which he worked would not be the same as the man who drove an engine in say a soda water factory.

Hon. J. CORNELL: Hon. members should take into consideration that they had agreed to the grouping of industries.

Hon. J. F. Cullen: Not yet; that is coming on in Clause 60.

Hon. J. CORNELL: Was it the intention then of hon. members to kick that out later on? If this amendment went by the board we need not wait until we got to Clause 60. If every union had to be confined to a specific trade or industry there would be no necessity for the grouping of industries.

Hon. H. P. Colebatch: The clause as it stands will allow them to register.

Hon. J. CORNELL: Someone must move the court. The clause without the amendment would only provide for the court to adjudicate on registrations that were to be. Hon. members should define what was an industry. Was goldmining an industry?

Hon. D. G. Gawler: Yes.

Hon. J. CORNELL: Then why was not shopkeeping?

Hon. D. G. Gawler: Shopkeeping is a vocation.

Hon. J. CORNELL: Goldmining was also a vocation so far as some of those employed in it were concerned. The same thing applied to goldmining as applied to shopkeeping. There were eleven different unions represented in the mining industry, and to carry out Mr. Gawler's argument we should divide those unions by four and so break up miners' unions. If the amendment was not carried we might as well throw out the Bill.

Hon. R. D. McKENZIE: The desire he had was to remove as many of the technicalities as possible and the Government in moving the amendment were desirous of removing some of those technicalities. There had been great hardships imposed on unions which had been desirous of going before the Arbitration court to have their cases heard, and the case of the shop assistants had been spoken of. He could not agree with Mr. Gawler when he said that shopkeeping was not an industry. In his (Mr. McKenzie's) opinion it was, and every person employed in a shop should be entitled to join the shop assistants' union and appeal to the Arbitration Court. Now that we had passed the clause which constituted the court we should trust that court to honestly interpret the clause which it was proposed to amend now. It was permissive for the judge to decide to do what he was asked by a union.

Amendment put and passed.

Hon. J. E. DODD moved an amendment—

That in line 7 of Subclause 4 the words "such court or" be struck out and the word "the" inserted in lieu.

The amendment was purely consequential.

Amendment passed.

Hon. M. L. MOSS moved an amendment—

That in lines 10 to 13 of paragraph (a) of Subclause 4 the following words be struck out:—"(as for example the vocations of the persons now associated in the society styled the Metropolitan Shop Assistants and Warehouse Employees Industrial Union of Workers, or the vocations of all clerks or engine-drivers.)"

The object of the amendment was to leave it entirely to the judge to say how these unions should be constituted. The words proposed to be struck out were a direct instruction to the judge to allow the registration of the union mentioned.

Hon. A. Sanderson: The power will still remain with the president.

Hon. M. L. MOSS: The president would then exercise his own discretion without Parliament directing him, in almost so many words, to register a particular union. The clause as it would read if the amendment was carried would enable the judge to say that there were so many shop assistants in similar occupations that he would not grant registration to them as one union, but would split them up into half a dozen unions, or into two or three.

Hon. A. SANDERSON: Was not this amendment, in diplomatic language, a policy of pin-pricks? Mr. Moss was taking the measure out of the hands of the Minister, and on quite a minor point was going to ask the Committee to divide. He was unable to support the hon. member because his reading of the clause was that the president would retain the power whether the amendment was made or not.

Hon. J. F. Cullen: Then why leave these words in?

Hon. A. SANDERSON: Because on a minor point the Minister in charge of the Bill was entitled to have his way.

Hon. J. E. DODD: Seeing that there was a Government amendment on the Notice Paper dealing with this same matter it was surprising that Mr. Moss should have moved to strike out these words. Mr. Moss's amendment would leave the matter entirely in the hands of the judge without any direction whatever. The words proposed in the amendment on the Notice Paper would simply state the kind of society which Parliament considered should be registered.

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

Ayes	11
Noes	10
Majority for	1

Ayes.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. D. G. Gawler	Hon. E. McLarty
Hon. R. J. Lynn	(*Teller*).

Noes.

Hon. R. G. Ardagh	Hon. R. D. McKenzie
Hon. J. Cornell	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. F. Davis
Hon. A. G. Jenkins	(*Teller*).
Hon. J. W. Kirwan	

Amendment thus passed.

Hon. J. E. DODD moved a further amendment—

That in line 10 of Subclause 4, paragraph (a), the following words be inserted in lieu of the words previously struck out:—"such as the vocations of clerks or engine-drivers."

Hon. M. L. MOSS: This amendment was asking the Committee to vote again on a question which had just been decided. He had already pointed out the impossibility of including all clerks in one big union. For instance, the tally clerks employed on the Fremantle wharf had nothing in common with the clerks in a solicitor's office, or they with the clerks of Dalgety and Company, or bank clerks.

Hon. F. Davis: They are all doing clerical work.

Hon. M. L. MOSS: But clerical work so unlike in character that no one award could possibly cover all classes. There was no reason why all these classes of workers should not form their separate unions. The tally clerks at Fremantle had their own union, but the Bill proposed to force all clerks into one big union.

Hon. J. E. DODD: It must be apparent to every unbiassed individual that the object of Mr. Moss was to break up unionism.

Hon. J. F. Cullen: Certainly not.

Hon. J. E. DODD: There was no doubt about it. The very suggestion in regard to clerks having separate unions proved it. In the case of the tramway employees at Fremantle it was asked that the clerks and engine-drivers should be included. There were three engine-drivers in the power house. According to the suggestions and arguments used by hon. members these men must form a union of their own, but it was impossible for them to do so, and even if they combined with the engine-drivers in the Perth tramway power house there would not be sufficient to form a union of engine-drivers in con-

nection with the tramway industry. If the hon. member insisted on his course, similarly it would be necessary to form hundreds of unions of clerks, having a different union for each industry. This would mean striking at the root of the Bill, and it would be no use asking hon. members to proceed any further with the measure. In regard to the mining industry, there were truckers from shoots, and truckers from dead-ends, and truckers from stopes, and truckers from winzes, yet they were only one small branch of the industry, and they would be required to form different unions. The whole thing was a lever to break up unionism.

Hon. M. L. MOSS: There was no desire to prevent the engine-drivers being all in one union, but there was every objection to the clerks forming one union. He moved an amendment on the amendment—

That the words "vocations of clerks or" be struck out and "vocation of" inserted in lieu.

He moved this at the request of a very large and important body of employers.

Hon. J. Cornell: You have an ulterior motive.

Hon. M. L. MOSS: The suggestion of the hon. member he absolutely repudiated; because the amendment was moved at the request of a conference of delegates from the Perth Chamber of Commerce, the Fremantle Chamber of Commerce, the Chamber of Mines, the Builders and Contractors' Association, the Timber Merchants' Association, and the Flour Millers' Association. These represented a very large body of employers and were entitled to be heard on the floor of the House equally as much as the workers, and they strongly objected to the registration of any union comprising more than one trade. For instance the shop assistants and warehouse employees ranged over a large number of dissimilar employments. He represented all shades of political thought in his province.

Hon. R. G. Ardagh: You do not represent labour.

Hon. M. L. MOSS: The hon. member had a very peculiar opinion as to how labour should be represented. Without signing any pledge to vote according to any particular platform or how caucus indicated——

Hon. J. E. Dodd: You were quoting from a caucus just now.

Hon. M. L. MOSS: That was a body of employers, just the same as the hon. member might have a body of employees, and their views were entitled to be heard on the floor of the House. It was only by getting the views of both sides that we could arrive at legislation for this country. There was no motive to break up unions. The motive was to carry out what he was asked to do on behalf of these employers.

Hon. J. Cornell: It will have that effect.

Hon. M. L. MOSS: It would not do so, in his opinion. The Honorary Minister had made out a good case for the engine-drivers, seeing that it took fifteen to form a union, and it was necessary in the case of the engine-drivers in the power house at Fremantle to allow them to join with engine-drivers in other vocations, but clerks were engaged in work of a dissimilar character and must be compelled to join different unions.

Hon. J. E. Dodd: How many unions will be necessary for the clerks?

Hon. M. L. MOSS: We must expect a large number of unions. The difficulty of framing a measure of this kind to deal with every industry of the country was apparent, but we could not force into one union all those in dissimilar trades.

Hon. F. Davis: If they wish to join one big union why block them?

Hon. M. L. MOSS: The hon. member only looked at one view of the question. The employers' view must also be considered. Mr. Dodd had proved the case in regard to engine-drivers, but it did not apply to the clerks or to the shop assistants. When dealing with tally clerks and clerks in business offices, or in shipping offices, or in banks, or in mercantile establishments, or in places like Foy and Gibson's, we were dealing with matters that were all different. The employers claimed they should not be called on in one citation to deal with all these different branches.

Hon. J. Cornell: They would not go to the court at all if they could help it.

Hon. M. L. MOSS: The hon. member was begging the question. It was not expedient to put clerks into one big union.

Hon. J. CORNELL: Despite the good intentions of the hon. member his amendment was calculated to have a very bad effect. Nothing agitated the minds of those gentlemen Mr. Moss spoke about so much as the organising of the clerks, and by hook or crook, if they could possibly do it, they would stop the clerks from organising into a union. There was absolutely no difference in the qualifications and ramifications of the engine-drivers and clerks. The engine-driver learned to deal with steam in the different callings, and the clerk learned to deal with pens in the different callings. If tally clerks were connected with the lumping industry they should be permitted to join the lumpers' union. Mr. Moss was representing a caucus. Members had twitted him (Hon. J. Cornell) with having received instructions from the unionists in regard to the Bill, yet those same hon. members who twitted him with doing his duty to the organisations he represented now came forward and advocated matters for the organisations they represented. And then we had the hon. gentleman standing up in his place and saying that he had the right to carry out the instructions of one section of the community. The hon. member ought to be consistent. Hon. members could save themselves the trouble of trying to frame a Bill that would give satisfaction to the unionists and entire satisfaction to the employers, for the task was an impossible one. There was no desire to dictate to the judge; all that was asked was to place an example before him. Mr. Justice Higgins had repeatedly complained that the Legislature had not been clear in framing legislation.

Hon. Sir E. H. Wittenoom: I do not think it troubles him much.

Hon. J. CORNELL: By the inclusion of both enginedrivers and clerks in the example we would be placing before the judge the wide diversity of workers in the various industries. In any case the exclusion of clerks from the example would not hinder him (Hon. J. Cornell) from agitating for the organisation of clerks into one strong union with a view of taking drastic action.

Hon. Sir E. H. Wittenoom: They will not accept your advice.

Hon. J. CORNELL: They would do so in course of time; there was no section of the community which could paralyse industry and commerce as the clerks could, once they were organised.

Hon. J. F. CULLEN: The Minister had supported the amendment on the ground that it would help the judge. As a matter of fact it would hamper the judge. The Committee had already given the judge complete discretion, but now the amendment proposed to hamper him by saying that the Legislature meant such unions as the enginedrivers and the clerks. To cite specific examples was really to limit the power given to the judge. It was not only an indirect instruction to the judge to validate these two particular unions, but it would hamper the judge, because it was equivalent to saying that unless other applicants were somewhat similar to these two they were not covered. Why should the discretion of the judge be hampered in this way? It was bad law to cite examples.

Hon. R. J. LYNN: In listening to Mr. Cornell one would have concluded that the clerk was a down-trodden, sweated individual. As a matter of fact the great bulk of the clerks in the metropolitan area to-day had no desire whatever for unionism, because they recognised the absolute impossibility of grading. How could any tribunal discriminate between the many branches of clerical work, wholesale and retail, between the hours of work and the class of work in which the clerks were engaged? There was as much difference between them all as it was claimed by Mr. Dodd existed between the employees in the mining industry. Under an award of the court in regard to clerks, the great majority would suffer. The vast bulk of the clerks in the metropolitan area had no desiire for the formation of a union, for they recognised that it would restrict individuality. Those with any capacity had no wish for the restrictions inseparable from unionism.

The CHAIRMAN: The question before the Committee was the striking out of the words "Clerks as an example."

Hon. A. SANDERSON: It was not easy to understand why the Minister attached so much importance to the amendment. However, the fact remained that the Minister did attach importance to it, and none would deny that the Minister was well qualified to hold an opinion on the subject. Mr. Moss was ready to sacrifice the enginedrivers, so long as the clerks were kept out. The Minister had safely navigated the Bill through some rocky passages this afternoon, and if some of the Minister's supporters would but address themselves to the question in a spirit of reasonableness success might be achieved in regard to this latest point. Mr. Moss had stated that he was prepared to allow enginedrivers to go, and we knew that Mr. Moss's opinion would carry considerable weight when the division bells rang. If the Minister was so anxious to get in any example for the direction of the judge, the Minister ought to accept the proposal for the enginedrivers. It was about time the public point of view was put forward. The country was determined to have compulsory industrial arbitration, and the only means by which it could be carried out was by having the different people before the court. We could not expect them to go individually, and why did members wish to block the formation of unions or dictate as to what union an individual should belong to. There was no more difficulty in grading clerks than in grading engine-drivers. He might call himself an engine-driver because he drove a motor car, and so one could go through all the ramifications and similarly with clerks. If he liked to join the chauffers' union or the engine-drivers' union he should be entitled to do so. That was one reason why he would support the Minister. The second reason was that we had heard from members all round the Chamber that they did not wish to wreck the Bill.

Hon. R. G. Ardagh: They are doing it all they can.

Hon. A. SANDERSON: That was an irritating remark which did not assist the hon. member's cause. He did not wish to wreck the Bill, as he was compelled by the unanimous vote of the country to accept the principle. In a small matter of this kind we might let the Minister have his own way. Was it wise when we could insist on one or two important matters to drive the Minister on an unimportant matter of this kind to the warm statement he had made?

Hon. R. D. McKENZIE: It was his desire to assist to make the measure workable. He agreed with Mr. Sanderson. Mr. Cornell more particularly forgot that abuse was not agument. If he imputed fewer motives and used more arguments he would receive far more consideration. Many of the interjections were pinpricks, and did not tend to induce members to give favourable consideration to the arguments of the Minister. Mr. Moss had been unfortunate in his arguments with regard to clerks, and he would vote against the amendment. Clerks as a body could perhaps be grouped as easily as anyone. A clerk in a bank to-day might be in a merchant's office to-morrow, and later on might be on a mine. He could go on quoting instances to show how interchangeable the ordinary clerk was. There were accountants and auditors who audited the books of a butcher one day, a bank the next, and a merchant the next. If enginedrivers were allowed to remain in the amendment there was no reason why clerks should not remain.

Hon. D. G. GAWLER: The president still had the power to allow these people to register. These words were only put in for the purpose of suggestion to the president. The example had been included only as a suggestion. The issue had been a little clouded.

Hon. J. E. DODD: There was no intention on his part to browbeat the Council. If he used more emphasis than usual he hoped it would be excused. It was inconceivable that any member could use the arguments which some members had adduced. He could not realise their ob-

ject, unless it was to break up unions. Mr. Moss had said he was opposed to big unions, and would prevent their registration. The ridiculousness of the proposals was beyond his comprehension. The hon. member said he was convinced by the argument used in connection with the engine-drivers in the employ of the Fremantle tramways and that such a union should be registered. That argument condemned Mr. Moss. The clerks in that industry could be dealt with in the same manner as the engine-drivers.

Hon. M. L. Moss: No, because the judge has the discretion.

Hon. J. E. DODD: The engine-drivers employed by the Fremantle Tramway Board could not form a union because there were only three.

Hon. D. G. Gawler: There are the Perth tramways, too.

Hon. J. E. DODD: Even if they came to Perth and got three more there that made only six. Supposing there were 15, however, would the hon. member make it compulsory that one month those from Fremantle should travel to Perth and the next those from Perth should travel to Fremantle to attend union meetings? It was an impossible situation. The same argument would apply to clerks.

Hon. M. L. Moss: Do not you think they are good arguments to use before the judge?

Hon. J. E. DODD: If the hon. member was convinced in the case of the engine-drivers, why not with regard to the clerks?

Hon. M. L. Moss: The clause permits the judge to grant the registrations; do not give examples.

Hon. J. E. DODD: In the matter of industries one judge had held shopkeeping was an industry and another one that it was not.

Hon. J. F. Cullen: The first statement is incorrect. The first judge did not pronounce; it was not a decision.

Hon. J. E. DODD: The judge was prepared to allow the case to go on on the assumption that it was an industry.

Hon. J. F. Cullen: The question did not come up for decision.

Hon. J. E. DODD: The decision would be quoted later on.

Hon. M. L. Moss: After all, judges often disagree.

Hon. J. E. DODD: Members could realise some of the unions which would have to be formed if the proposal was carried. There would be legal, mercantile, tramway, tally, grocery, ironmongery, bookselling, hotel, restaurant, shipping, motor garage, ironfoundry, drapery and florist clerks, just to mention a few, and these could be subdivided into half-a-dozen.

Hon. D. G. Gawler: Not if the judge allows them to join together.

Hon. J. E. DODD: Why leave it to the judge? Surely hon. members must be convinced that it would be impossible for the various clerks engaged in the various industries to establish unions. He hoped the amendment would be agreed to.

Amendment (Hon. M. L. Moss's) put and negatived.

Amendment (Hon. J. Dodd's) put and passed.

Hon. J. E. DODD moved a further amendment—

That at the end of paragraph (a) the words "or whose interests are of a like or composite character" be added.

Amendment passed.

Hon. J. E. DODD moved a further amendment—

That the following be added to stand as Subclause 5:—"(5.) The Metropolitan Shop Assistants and Warehouse Employees' Industrial Union of Workers or any other society registered or purporting to be registered under 'The Industrial Conciliation and Arbitration Act, 1902,' may apply to the court or the president for an order validating its registration or supposed registration as from the date thereof, and the court or president may make such order as they or he may think just, notwithstanding that such society or union consists of persons who are not all employers or workers in or in connection with one specified industry."

It was needless to place more arguments before the Committee; the matter had

been thoroughly discussed in all its bearings.

Hon. M. L. MOSS: It would be just as well to get to a division on this.

Hon. H. P. COLEBATCH: The attention of the Minister should be drawn to the fact that this clause apparently was drafted before the amendment was made by striking out "members of the court."

Hon. A. SANDERSON: This amendment dealt principally with the shop assistants. The question had come up for a great deal of discussion. While he thought that the whole system of compulsory arbitration was bad, if there was one class who were entitled to go before the court it was the shop assistants. Surely, therefore, the Council would assist the Minister in casting aside technicalities in order that the shop assistants might get fair and reasonable treatment. He could not see how anyone, knowing the condition of affairs regarding industrial matters in this country, could deny that the shop assistants were entitled to go before the arbitration court and get an award.

Hon. J. F. CULLEN moved an amendment on the amendment—

That the words "as from the date thereof" be struck out.

In giving to the judge of the court power to validate that registration there was no need to go behind the present judge's decision. The words were entirely a surplusage; in fact they were a reflection on the court, and the Committee should not agree to them remaining in the Bill.

Hon. M. L. MOSS: If the clause was passed the judge of the court would be in the position that he would have no opportunity of saying "I am not going to sanction this registration because Parliament has validated it, and it has come before the proper union." The result would be that the greatest inconvenience might arise in considering a case and making an award on account of the diverse interests at stake.

Hon. J. E. DODD: The striking out of these words would not make a great deal of difference. The clause had been specifically drafted to deal with the shop assistants' and warehouse employees' union and it explained itself. There really was no need for any argument. It was desired to validate the registration of that particular union and make it possible for its members to approach the court.

Hon. A. G. JENKINS: The registration could only be validated from the date of registration.

Hon. J. F. Cullen: No, from the date of application.

Hon. A. G. JENKINS: The party would go to the court to have the registration validated, and the judge would say, "Yes, the registration is validated from the date of registration." That was the only date from which it could be validated. The striking out of the words would make no difference.

Amendment (Hon. J. F. Cullen's) put and passed.

Amendment (Hon. J. E. Dodd's) put and a division taken with the following result:—

Ayes	11
Noes	10
Majority for	1

AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. R. D. McKenzie
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. C. Sommers
Hon. J. M. Drew	Hon. A. Sanderson
Hon. A. G. Jenkins	*(Teller).*

NOES.

Hon. E. M. Clarke	Hon. M. L. Moss
Hon. J. D. Connolly	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. T. H. Wilding
Hon. D. G. Gawler	Hon. H. P. Colebatch
Hon. R. J. Lynn	*(Teller).*
Hon. E. McLarty	

Amendment as amended thus passed.

Clause as amended agreed to.

Progress reported.

MOTION—STANDING ORDER SUSPENSION.

New Business after 10 o'clock.

Order of the Day read for resumption of the Second Reading debate on the State Hotels Bill.

Hon. M. L. Moss: On a point of order, is it competent to enter on any new business after 10 o'clock?

The PRESIDENT: Standing Order 62 states that no new business shall be commenced after 10 o'clock. It will be necessary for the Minister to move the suspension of that Standing Order.

The COLONIAL SECRETARY (Hon. J. M. Drew): I move—

That Standing Order 62 be suspended in order to enable the House to proceed with new business.

The PRESIDENT: I find that there is an absolute majority of the whole House present.

Hon. M. L. MOSS (West): Many hon. members have no doubt left the House in the belief that this Standing Order would be observed and that no business other than the Industrial Arbitration Bill would be dealt with this evening. I never object to sitting here late at night when there is a pressure of business, but we have ample time to do our work without starting on new business after 10 o'clock. It means that those who have to make train journeys will get home very late. We have been sitting for the best part of six hours, and I think we have done a fair day's work.

Hon. J. D. CONNOLLY (North-East): I do not object to sitting here till 10 o'clock or 12 o'clock, but it is a serious matter indeed to suspend the Standing Orders. Every member is aware of the contents of the Standing Orders, and it is a dangerous precedent to suspend them without notice. If we start a practice of taking new business after 10 o'clock by suspending the Standing Orders, where is the practice going to end? I do not think a precedent of that kind should be set up, and on principle I will vote against the Colonial Secretary's motion.

Hon. C. SOMMERS (Metropolitan): I agree with Mr. Connolly that we are asked to establish a dangerous precedent. I do not mind sitting till 4 o'clock in the morning, but I do not think there is any necessity for going at this high pressure. It is possible that some hon. members, knowing that Standing Order 62 was in existence, went away fully believing that no new business would be taken. If the Minister desired to proceed with new business I think he should have given notice of his intention earlier in the evening. I think the Minister would be unwise to press the motion, and I suggest to him that he should withdraw it.

Hon. H. P. COLEBATCH (East): I would like a ruling from the Chair as to whether the motion is in order. Standing Order 423 says that in cases of urgent necessity the Standing Orders may be suspended. The present case does not appeal to me as being one of urgent necessity, and I would like your ruling, sir, on that point.

The PRESIDENT: It is customary to look upon the Minister as the leader of the House, and I take it that he has some reason for suspending the Standing Orders, although I have not heard that reason yet.

The COLONIAL SECRETARY (in reply): The reason for proceeding with business at this hour of the night is that for the last fortnight very little progress has been made with public measures in this Chamber. Hon. members have been simply engaged in considering the Arbitration Bill, and even in connection with that measure small progress has been made. When I moved the suspension of the Standing Order it was my intention to allow the debate on the second reading of the State Hotels Bill to continue till 10.40 p.m., and then to adjourn the House in order to enable members to catch their trains.

Hon. M. L. Moss: Will you undertake that there will be no vote on the second reading?

The COLONIAL SECRETARY: That was my intention. I will give that undertaking.

Hon. M. L. Moss: Then I am satisfied.

The COLONIAL SECRETARY: Hon. members know that when I give an undertaking they can rely on it. On Thursday nights we sit, but we never reach finality, and if I thought the measure was coming to a vote I would ask one of my colleagues to move the adjournment of the debate. It is my desire that we should deal with some other business besides the Arbitration Bill, and for that reason I ask members to sit till 10.40 p.m.

Question put and passed; Standing Order suspended.

BILL—STATE HOTELS.

Second Reading—Amendment, six months.

Debate resumed from the 10th October.

Hon. A. G. JENKINS (Metropolitan): This is a very short measure, but one that establishes a dangerous precedent. There is not the slightest need to tinker with the Licensing Act, as this Bill attempts to do, because I understand that the Government intend to bring down a comprehensive licensing measure at an early date. This Chamber and another place spent many hours in discussing the Licensing Bill only two sessions ago. This Bill provides in effect that even though a resolution be carried in a district against any increase of licenses the Government may still erect a State hotel against the wishes of the district.

The Colonial Secretary: That can be done now.

Hon. A. G. JENKINS: It cannot be done now.

The Colonial Secretary: Yes, outside the 15 mile limit.

Hon. A. G. JENKINS: That is so, but this Bill gives power to the Governmen to establish an hotel in any part of a district. Perhaps one corner of an electorate wants an hotel, but the whole of the electorate has voted against any additional licenses, and perhaps against having any licenses at all. This Bill, however, will enable the Government to erect an hotel. I do not see why the Government should have any more privileges than a private individual. This measure is a very dangerous one, and I cannot see my way to support it.

Hon. J. F. CULLEN (South-East): I shall oppose this Bill as strongly as I can. Firstly it is entirely superfluous; there is absolutely no need for it. Section 87 of the present Act gives the Government all necessary powers for the establishment of State hotels where State hotels may be desired. The Minister admits that that section gives the Government power to establish State hotels.

The Colonial Secretary: Not the same power as the Act gives to a private individual.

Hon. J. F. CULLEN: Absolutely, and in some respects more power. Quite apart from that objection, which I hold is a very serious one, why should the Government bring down legislation to cover powers that are already quite sufficiently provided for in the law as it stands to-day? A more serious objection I have to the Bill is that if passed in anything like its present form, it might be used as an instrument of serious mischief to this State. As Mr. Jenkins has pointed out, the Government could scatter hotels broadcast throughout the State, notwithstanding the fact that a majority of the districts have already voted to the effect that they do not want an increase of hotels at all. The principal argument in favour of this Bill urged up to the present is that a great majority of the districts of the State have voted in favour of State hotels, but this is a very disingenuous argument. I want to satisfy every member that it is entirely disingenuous because every district which gave an abstract vote in favour of State hotels had previously given a straight out vote against any increase of hotels at all. That was the practical vote. The electors were asked to say, "Are you in favour of any increase of hotels?" and all those districts said emphatically, "We will not have any increase of hotels at all." Then came the abstract question, "In case there is to be an hotel would you, in the abstract, prefer a State hotel to a privately owned hotel?" The majority in the same district said, "If we must have an hotel, merely as an abstract question, we would choose the lesser evil of the two. We recognise that the State hotel is a lesser evil than the privately owned hotel and if there is to be one at all we will have a State hotel." In support of the Bill it is urged that these people have voted in favour of State hotels. I say it is a disingenuous use of the facts of the case. I want the Minister to be frank and tell us why this Bill is brought in at all. On the face of it, all the explanation I can

see is that the Government want powers that are denied to private people. They want to be able to flout the licensing courts, to go behind their backs and establish hotels regardless of the judgment of the licensing courts. The licensing court may have absolutely refused to grant any additional licenses in a particular district, but the Government can go behind the back of the court and establish an hotel. But the champions of the Bill say, "Oh, it is open to the electors within a radius of three miles of the proposed State hotel to get up a petition and if it is signed by a majority of the electors it will bar an hotel." That seems very plausible, but who is to get up the petition? The present law throws the onus of proving the case for an hotel on the people who want it, and why should not the Government have the same onus thrown upon them to prove their case? No, the Government can make all their arrangements to establish an hotel and unless somebody not named, some imaginary person, some philanthropist or benefactor, some guardian of the interests of the district will go to the cost of getting a petition signed by a majority of the people, the Government will build an hotel.

Hon. F. Davis: How did they do it a few years ago?

Hon. J. F. CULLEN: There is no need to go back into remote history. The present law casts the onus of proving the case on the people who want to establish an hotel, and quite fairly so. Why should the onus be cast on the innocent residents of the district to ward off something that the Government are going to inflict upon them unless they are wide awake enough to establish a case against the proposal? It is not such a simple thing; even if benefactors and philanthropists arise sufficiently strong to get up this petition the trouble is not over. It is open for the Ministry to say, "We want proof that all these names are the bona fide signatures of the people that they purport to be. We must have a costly proof brought to us." Who is going to the cost of arguing and fighting this out in the Minister's room? It is a preposterous proposal. But there are other aspects of the question which have only to be mentioned to make it impossible for this House to accept the Bill. There has been what I call an unholy alliance made between the Premier and the officials of the West Australian Alliance. The Premier went to these officials and said, "What do you want"? They said, "We want all the things we have been contending for. We want the power by a majority of one to close any hotel we like after three years from the passing of this Bill. We want all the things that have been published broadcast." What those things are this House knows full well. The Premier said, "You will have it all," and, on the strength of that compact, these officials of the West Australian Alliance whipped up as far as they could support for the Government at the last elections. Now these same officials, who may or may not represent many people, have been pursuing the Government to make them carry out their promise, and the latest notification we have from the Government is that a general Bill rescinding all present legislation—that was the promise, not amending it, but throwing it out—will be brought down within a fortnight of the other Bill, and the Alliance will get all that has been promised them including elective licensing courts. Although the Government have promised elective licensing courts, they come down with this little Bill to flout those courts and legislate themselves out of the control of the people through their elected courts. Is that an ingenuous thing to do? Is it an honest thing to do? Can the members of this House trust that kind of action and say, "Yes, you asked for this Bill, we will pass it. You are a Government who command such confidence that we will trust you." I for one, in the light of this compact of the Government with the leaders of the West Australian Alliance—a compact which they know they can never carry out—will not trust them. In the present law there is not simply an honourable understanding, but a legislative contract that any licensed house now existing will not be interfered with by the local option provisions of the law for

ten years from the passing of that Act. This is a legislative contract, and these Ministers have promised the alliance officials in the teeth of that contract that they will give power in their new Bill for a majority of one within a few years to close any hotel they like.

The Colonial Secretary: Cannot you discuss that Bill when it comes down?

Hon. J. F. CULLEN: What I want to point out is this: if the Government are honest in regard to that Bill, there is no need for this one, but if the Government know in their hearts that that Bill will never be passed, I can understand them saying "We will take out and put in a separate Bill the one thing we want. We want power to go where we like and establish Government hotels. We will not venture to put it in the general Bill. That will be such a monstrous Bill that no legislative chamber would attempt to pass it. We expect that Bill to be thrown out in the Legislative Council and we will blame the Legislative Council for having refused us permission to fulfil our compact with the fanatical leaders of the West Australian Alliance," an unholy compact which I cannot conceive of any fair-minded man entering into. That general Bill can never be passed.

The Colonial Secretary: Why not?

Hon. J. F. CULLEN: And no doubt this House will have to take the blame for being honest enough to reject it, but if the Government can get this little Bill through they can flout the safeguards that the Legislature has erected in the licensing courts of the country, and say, "We have a roving license." A man will be able to go to the Government and say, "I helped well with the last election, I want a pub, and here is a pretty good place, I want a pub. The people of that district voted for State hotels and there will be nothing to hinder——"

The Colonial Secretary: You are practically accusing the Government of corruption.

Hon. R. G. Ardagh: Yes.

Hon. J. F. CULLEN: If the Colonial Secretary will wait a moment I will tell him muche more in sorrow than in anger what I mean. This claimant will come and say, "I want a pub, and I have done such work for you that you cannot pass me over." This man gets a pub and there is nothing to hinder the Government, if this Bill is passed, from rewarding a hundred such men with hotels.

Hon. R. G. Ardagh: Who have they rewarded?

Hon. J. F. CULLEN: There will be nothing to hinder the Government from rewarding a hundred men with these hotels.

The Colonial Secretary: There is nothing to hinder them any day of the week if they are dishonest enough to do it.

Hon. J. F. CULLEN: The present law prevents them. They cannot go behind the licensing court, and instead of innocent victims of their State hotels having to prove the case against them, the Government will have to prove the case for an hotel before they can start. The Minister told the House some nice little things about the State hotels already started. Now, I make bold to say this, that if these hotels are subjected to the same inspection as other hotels, and they ought to be——

The Colonial Secretary: And they will be.

Hon. J. F. CULLEN: They have not been.

The Colonial Secretary: They have been regularly visited.

Hon. J. F. CULLEN: Will the Minister tell me that the Dwellingup Hotel has been visited as often as other hotels?

The Colonial Secretary: It has been regularly visited by the manager.

Hon. J. F. CULLEN: The manager?

The Colonial Secretary: The general manager.

Hon. J. F. CULLEN: He is not an inspector. Has it been subjected to the same surveillance by inspectors under the Act as other hotels? Certainly not.

The Colonial Secretary: Then you know more than I do..

Hon. J. F. CULLEN: Has the manager been down there on pay days? Has he reported that that hotel is no better

than any of the others in the matter of drunkenness?

The Colonial Secretary: Is that so? Why do you not say so if it is?

Hon. J. F. CULLEN: I shall say a good deal before the Government's promised licensing legislation is finally dealt with in this House. There are grave dangers in this Bill. First we have a Government followed by people looking for rewards for services rendered. We have a Government who, after having promised certain people impossible things, are trying to get behind that promise and get one little provision of the old Act altered to suit themselves, so that, whether a general Licensing Bill is passed or not, they will have a free hand to multiply hotels in this country and place in them men whom they select regardless of the opinions and recommendations of the officials whose duty it is to make recommendations.

The Colonial Secretary: Who are the officials? Why do you not make a charge?

Hon. J. F. CULLEN: The Public Service Commissioner.

The Colonial Secretary: He had nothing to do with it except to perform a duty. The officers appointed under the State hotels system are not appointed by the Public Service Commissioner.

Hon. J. F. CULLEN: Is the Minister speaking of this new Bill or of the present law?

The Colonial Secretary: You are making insinuations and casting innuendoes.

Hon. J. F. CULLEN: Is the Minister referring to the present Bill or to the law as it stands?

The Colonial Secretary: The hon. member is not referring to the present Bill.

Hon. J. F. CULLEN: I am referring to the action of the Government. The Deputy Public Service Commissioner calls for applications and the Government take the matter out of his hands and appoint the eleventh man on his list.

The Colonial Secretary: That is not correct.

Hon. J. F. CULLEN: The Minister has no right to say that. I am giving the facts of the case, and the Minister has no right to make an interjection of that sort.

Hon. F. Davis: He has, because you are not correct.

Hon. J. F. CULLEN: I am correct. The Deputy Public Service Commissioner whose duty it was——

The Colonial Secretary: It was not his duty at all.

Hon. J. F. CULLEN: Why was it sent to him?

The Colonial Secretary: He was asked to narrow it down.

Hon. J. F. CULLEN: Why?

The Colonial Secretary: Because the Minister who had the appointment had not the time to deal with the matter. The Deputy Public Service Commissioner had to narrow the applicants down to a dozen.

Hon. J. F. CULLEN: But did the Minister follow his grading?

The Colonial Secretary: The Minister selected one out of the dozen.

Hon. J. F. CULLEN: But he was the eleventh.

The PRESIDENT: I think the debate had better be conducted in the usual way instead of in this catechetical fashion.

Hon. J. F. CULLEN: I am only sorry it is so late in the evening that there is hardly any hope of the little bit of Press report I sometimes get being accorded to me to-night, but I want to impress on the House that this is a very serious question. The great majority of the licensing districts of the State have by an overwhelming vote declared themselves against any increase of hotels. The Colonial Secretary in moving the second reading of this Bill gave us a glowing account of the profits of the two State hotels now existing and mentioned quite a number of places where the Government intended to establish others. I say the Government will not only break that compact on the strength of which they sought support at the general election, but they will do a gross injury to this country if they contemplate any great increase of licensed houses. The electors are entirely against any increase of hotels beyond what are absolutely necessary. Now if the Government are going to embark on a great

system of State hotels they will curse this country, and they will receive the curses of the people of the country in time to come. My advice to Ministers is to take very philosophically the rejection of this Bill by this House, for it must be rejected; and if any necessary amendment to Section 87 of the present law occurs to Ministers, let them submit it in the general Bill that they are going to bring down. I move an amendment to the motion moved by the Colonial Secretary—

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

I do this in order to emphasise the wisdom and absolute necessity of refusing the Government the powers they are seeking in this Bill.

Hon. A. SANDERSON (Metropolitan-Suburban): I second the amendment.

The Colonial Secretary: Is Mr. Sanderson in order in seconding the amendment, having already spoken?

The PRESIDENT: The hon. member may second the amendment.

On motion by Hon. R. G. Ardagh, debate adjourned.

House adjourned at 10.38 p.m.

Legislative Assembly,

Tuesday, 15th October, 1912.

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

QUESTION — RAILWAY MAINTENANCE, PORT HEDLAND-MARBLE BAR.

Mr. MONGER asked the Minister for Railways: 1, What are the total working and maintenance expenses of the Port Hedland-Marble Bar Railway since taking over from the contractors? 2, What are the total receipts during the same period.

The PREMIER (for the Minister for Railways) replied: 1, From the 1st July to the 31st August, £2,672 6s. 4d., of which amount £1,595 6s. 4d. is properly chargeable to capital account, in accordance with Cabinet ruling of 25th November, 1907. 2, £1,858.

PAPERS PRESENTED.

By the Premier: 1, Papers with reference to the retirement of Mr. D. B. Ord, formerly chief clerk in the Colonial Secretary's Department. 2, Papers in connection with the dedication of Katanning town lots under Workers' Homes Act.—(Ordered on motion by Mr. A. E. Piesse). 3, Return *re* Government motor cars.—(Ordered on motion by Mr. Allen).

LEAVE OF ABSENCE.

On motion by Mr. MALE, leave of absence for three weeks granted to Mr. Wisdom on the ground of ill-health.

BILL—RIGHTS IN WATER AND IRRIGATION.

Report of Committee adopted.