[No. 8.]

Trade, Production, etc.

	1909-10.	1910-11.
Railway Revenue	£1,649,397	£1,858,914
Railway Mileage	2,145	2,376
Wool produced (exported)	£969,904	£1,047,456
*Wheat produced ... ... (bushels)	5,602,368	5,897,540
*Hay produced ... ... (tons)	195,182	178,891
Gold produced	£6,553,314	£6,003,789
Timber produced (exported)	£907,702	£932,800
Coal produced	£114,487	£104,016
Other Minerals (exported)	£328,471	£155,277
†Number Sheep	4,731,737	5,158,516
†Number Cattle	793,217	825,040
†Number Horses	125,315	134,114
Area of land selected ... ...(acres)	1,904,780	1,922,112
Area of land leased ... ...(acres)	10,330,373	9,314,310
*‡Area of land for cultivation ... ...(acres)	4,685,607	5,309,832
*Area of land for crop ... ...(acres)	722,086	855,024
Tonnage shipping, Inwards	2,279,852	2,408,803
Tonnage shipping, Outwards	2,271,879	2,419,078
Exports	£8,576,659	£8,177,272
Imports	£6,932,731	£8,450,855
Savings Bank's Deposits	£2,400,099	£3,170,345
Savings Bank's Withdrawals	£2,070,776	£2,667,377
Excess of Arrivals over Departures	2,691	12,013

* Years ended 28th February, 1910 and 1911. † Years ended 31st December, 1909 and 1910.
‡ Area cropped, cleared, etc.

Legislative Council,

Thursday, 14th December, 1911.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual report Goldfields Water Supply Administration for the year ended 30th June, 1911; 2, Maps showing centre line and limit of deviation of proposed railways (a) from Norseman to Esperance, (b) through Upper Darling Range.

CLOSE OF SESSION—NEW BUSINESS.

Hon. Sir E. H. WITTENOOM: If I am in order I should like to point out to the Colonial Secretary that if it is hoped to end the session on Friday week it will be impossible if the Minister continues bringing down new Bills. I do not know how he can do it, even as it is. I only mention this, and perhaps he will convey this remark to the members of the Ministry in another place.

BILL—LOCAL COURTS ACT AMENDMENT.

Message from the Legislative Assembly received and read notifying that the amendments made by the Council had been agreed to.

BILL—GAME.

Select Committee's Report presented.

Hon. W. KINGSMILL (Metropolitan) brought up the report of the select committee appointed to inquire into this Bill.

BILL—INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. D. G. GAWLER (Metropolitan-Suburban): Any measure making for industrial peace will have the very earnest consideration not only of this House, but, I am sure, of another place, and I feel sure that if there is anything which will commend this measure to hon. members it is the fact of its having been introduced by Mr. Dodd, whose views on this subject are well known to be reasonable and broad-minded. The object of the Bill, according to Mr. Dodd, is to remove technicalities, and it does remove some technicalities, and no doubt some technicalities that it was desirable to remove. But it goes further than that. I venture to say that the combined effect of Clauses 2, 7, 9, and 12 of the Bill are very far-reaching. To my mind, the combined effect is practically to hand over every industry and calling of whatsoever nature in Western Australia to the control of one man. I say to the control of one man, because I think we all admit that a decision of the Arbitration Court resolves itself into the opinion of one man. And not only are the industries and callings handed over to the control of one man, but under the Bill it is possible for this control to be exercised by a member of one of the parties to these disputes. Further than that, I venture to think that the combined effect of the sections I have mentioned is not to give what was the principal object of the Act—power to settle industrial disputes—but to give power to legislate to that court and to that one man. That, I think, is the effect of Clause 9. Under the provisions of that clause the court can prescribe any ruling for the carrying out of an industry. That, in my opinion, trenches on legislation, for a ruling might be framed by the court which would abrogate existing legislation, especially in the case of the Health Act and the Factories Act. There is nothing to limit the power of the court in that way, and the original intention of the Act, I am sure, was never to do that. Again, it is sought to place this Act on the statute-book in remarkable circumstances. It is framed and introduced by one party to the dispute, inasmuch as it is introduced by a Labour Government, and the Labour Government represent practically the workers in the unions. Not only that, but the Labour Government in their views, I can say without misrepresenting them, are upholders of the right to strike. Then in those circumstances, I think, the interests of the employers are all the more at stake, and there is necessity for more careful criticism by members of this House. I ask myself whether the existing Act gives satisfaction, and I have come to the conclusion that it gives satisfaction neither to the worker nor to the employers. I do not think it gives satisfaction to the worker, because the statistics which we are able to become possessed of relating to strikes show that in 1909, 16 strikes occurred in Western Australia in connection with which, so far as I can find out, no proceedings were taken. I think that two of these strikes were against existing awards of the court. If that is the position of affairs, it goes to show that the workers are not satisfied with the awards of the court, and also that they are not prepared to go before the court, but would sooner strike than go to the established tribunal to ask for an award. In addition to that, all hon. members well know that there are many cases where the employers have conceded the demands of the workers sooner than have their businesses dislocated by strikes. Those cases will never be known, but that they do exist there can be no doubt. As to whether the employer is satisfied, that view has been placed before hon. members very clearly by the speakers who preceded me, and I quite agree with the view expressed as to the absolute futility of the provisions against strikes in the

existing Act; in fact, my friend Mr. Davis who spoke last night, admitted that the men were not satisfied. He practically confessed the futility of the strike provisions when he said that they were futile because public opinion would be against their enforcement. That is the view I understood him to express, and I take that as an admission by him that the provisions against strikes are futile. There is no need for me to pursue this question, which has been dealt with by other hon. members, especially Mr. Moss, who went exhaustively into the reasons why the strike provisions are futile. But there is no doubt, as he has said, that it is impossible to enforce these provisions against a large body of men. The Act intends, there is no doubt about it, that there shall be a peaceful settlement of industrial disputes. We know the unions' rules provide against strikes. I would refer hon. members to Subsection 4 of Section 3 of the existing Act. I may say that Section 3 deals with the various formalities to be observed by unions, by both employers and workers in registering their rules, and Subsection 4 is in these words—

> Such rules shall expressly provide that (a) no person shall be a member who is not a worker or employer as the case may be, and that (b) no part of the funds or property of the industrial union shall be paid or applied for or in connection with or to aid or assist any person or persons engaged in any strike or lock-out in this State, and that (c) all industrial disputes in which the industrial union or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to this Act.

There we find the rules of the union in so many words, providing that the funds shall not be used for strikes, and that every dispute shall be referred to the court. I venture to say these rules are broken every day. That being the case, and we knowing, as I said before, the Labour party, or many of their members, are upholders of the right to strike, and as we must admit that in case of strikes the unions recognise and encourage them, can we say that employers can be satisfied with the provisions of the present Act? I urge this: suppose the employers insisted on the right to lock out, and pursued the same remedies that the workers do in many cases, what an outcry there would be against the employers. If the true purposes of the Act are to be carried out and strikes are to be prevented, I do not think there is a member here who will say it is not the chief object of the Act to prevent strikes and get industrial peace. But there are only two remedies for it, and the first is that provision should be made in the Act for the parties to put up an amount before the court for the due observance of the award; or that union funds should be made liable in the case of strikes or breaches of the award. The principle of making the funds of the union liable for breaches of an award of the Act on the part of its members is laid down by Section 92 of the Act. I do not quite agree with Mr. Moss. He, I think, suggested last night that Section 92 was not intended to make unions responsible for strikes by its members. My reading of the section is, that the unions shall be responsible in cases of breaches of an award by its members. If not, and the union is to be responsible, it would be difficult to hold a union responsible unless every member of the union was proved to have broken the award. Suppose the whole union, except one man, did break the award, it seems to me it would be rather difficult to make the union responsible in that case. Therefore I think the object of the Act was that if any members broke the award the unions should be responsible. If I am right, then I go further and say the principle of making unions responsible is recognised in Section 92. If so, then it should be made to apply to the provisions of Section 98. I claim the support of Mr. Dodd in this view, because my friend, in a very outspoken and direct fashion denounced strikes, and quite right too, and if he denounces strikes I claim his assistance in doing all possible to prevent strikes occurring. One of the guiding principles of the Bill is the recognition of collective bargaining. The unions are recog-

nised as representing the men before the court; they are recognised as bargaining on account of the men; the union funds—we cannot get away from the fact—are spent in strike pay, and men are defended—I do not think I am wrong in saying this—at the expenes of the unions, and fines are paid by the unions. If that is so what objection can there be to the procedure I lay down, that the unions should be made responsible for the effect of the strikes? Unions can control the men by their rules; they can take away from them the benefits of the unions, and they can expel them from their unions.

Hon. J. E. Dodd (Honorary Minister): Strike pay is not allowed.

Hon. D. G. GAWLER: It is not allowed under the Act, but is it not given? I do not think the hon. member will deny it is paid by the unions, under another name perhaps, but I venture to say strike pay is dispensed. Unions have control, as I said, over members who strike; they can expel members from their unions, and if unions are allowed to enter into agreements to represent the men before the court, and they take the benefits under the Act, why should not the unions take the liability as well as the advantage? That is a view I wish to submit to the House in considering that the funds of the unions should be made liable. I would like to present these figures to members of the House. I do not think I am wrong; if so, I can be contradicted later on. I have ascertained the percentage of disbursements of the funds of unions for the year ending 30th June last, and if members will look at the Registrar of Friendly Societies' report they will find that out of the total expenditure 20 per cent. goes to sick, accident, and death funds, management receives 40 per cent., and other expenses, whatever they may be, also receives 40 per cent. It is only reasonable to suppose that "other expenses" mean what I suggested just now, the doling out of strike funds and moneys of a similar nature. I put these figures before the House to show that if it is so, it is all the more reason why the unions should be made responsible for breaches of the Act by members. Another point I would like to urge. In this Act preference to unionists is asked for, practically. Mr. Dodd said the other night that preference to unionists was possible under the present Act, but I do not think that is the case. My only authority so far is Mr. Knibbs, the Commonwealth Statistician, who stated that there was no authority in the Western Australian Act for preference to unionists. I am only giving what I consider to be a fair authority, that preference does not exist under the Act in Western Australia. If preference is asked for, surely it can be granted on the stipulation that if unions are to be recognised, and preference given to members, they should be responsible for the control of their members; that is only a fair stipulation.

Hon. F. Davis: What do you suggest?

Hon. D. G. GAWLER: I suggested a good many things before the hon. member came in. I venture to think the Act as a whole is not a success. I only speak as a layman on these matters, but as one who endeavours to keep himself conversant with matters industrial, and the conclusion I have come to is that the element of compulsion in the Act is a mistake. It is against the spirit of any working man, Australian or British, and I therefore think that the element of compulsion in this Act has been a failure, and so long as it exists will be a failure. We have as the guiding principle of the Act conciliation and arbitration, but conciliation has never been resorted to. I think three cases have been brought before the board during the last 10 years.

Hon. M. L. Moss: You cannot expect people to conciliate when they are at loggerheads.

Hon. J. D. Connolly: In those three cases they did not accept the conciliation.

Hon. D. G. GAWLER: No, I do not think they accepted the conciliation; they went to the court afterwards. For the reasons I have given to members I venture to think that arbitration is a failure. Men do prefer strikes to going to the court. If the award is against the men there is no security for it being observed. I speak as a humble layman, but

as a layman I seem to think that the compulsory raising of wages is a mistake. It leads to an increased cost of living. I believe I can refer to a great authority on this matter, Mr. Ramsay McDonald. I read somewhere that after Mr. McDonald had been through Australia and New Zealand, he said that we made a mistake in going in for the compulsory raising of wages, because, in his opinion, it led to the compulsory raising of the cost of living. When at home in England I followed very keenly the progress of the railway inquiry there. We know they never admitted compulsory arbitration in England; they have conciliation boards there. Committees are appointed by the Board of Trade and for some reason the men objected to the form of the conciliation boards and struck, not altogether on that account, but for other causes, and the railway inquiry was held, and I think I may say that at this inquiry the representatives of the men were agreeable to the conciliation board on somewhat different lines from what they were there. It came out in evidence over and over again from the representatives of the men themselves, that the men cannot be expected to observe an award which they do not like. I can assure members that that was stated by more than one representative of the men before the inquiry. If that is so it supports what I say, that the element of compulsion will never be a success. Just before I left England Mr. Crooks brought in a Bill providing for either party to apply to the Board of Trade for the appointment of a board to settle disputes, and he provided that while the disputes were before the board strikes should be suspended. The Labour Conference subsequently disowned Mr. Crooks' Bill on that account, saying he had no right on the part of the Labour party to give up the right to strike. While the right to strike is not given up what is the use of putting a provision in the Act against strikes? What is the use of keeping on the statute-book an Act that is of no value at all, and which is against the principle of one of the parties to a dispute? I venture to think that wages boards represent the only remedy for this industrial trouble. I know that members of the Labour party do not agree with this, but, to my mind, wages boards keep out the element of compulsion, settle the dispute on the spot, are appointed *ad hoc*, and the parties to the dispute around the board are much more likely to settle an amicable conference than by going to the court, where both parties are set at arms' length at once.

Hon. F. Davis: The workers would be penalised under a wages board.

Hon. D. G. GAWLER: I do not think the workers would be more severely penalised under a wages board than are the employers under the Arbitration Court by the refusal of the men to observe the court's award.

Hon. F. Davis: Do you think there would be more security under the wages board?

Hon. D. G. GAWLER: I think so; because the element of compulsion is eliminated. Mr. Davis, last night, illustrated the ideal court for the settlement of a dispute, as consisting of one representative from each side, and a chairman who had the respect of both parties. He urged this in connection with the question of who should be the president of the Arbitration Court. That illustration I claim in support of what I am now saying.

Hon. F. Davis: But that is a very rare event.

Hon. D. G. GAWLER: It is something quite possible. Again, did not Mr. Dodd, when the engineers at Kalgoorlie refused to go to the court, go up to Kalgoorlie and settle the dispute?

Hon. J. E. Dodd (Honorary Minister): They are to go to the court.

Hon. D. G. GAWLER: However, they refused to go to the court, and it was only through the good offices of Mr. Dodd that they ultimately agreed to allow the court to have any hand in it at all. I say that Mr. Dodd and others have settled that dispute before it goes to the court at all.

Hon. J. E. Dodd (Honorary Minister): Suppose there had not been any court to go to?

Hon. D. G. GAWLER: I hardly like to believe that there would have been no settlement without a court. We have had an illustration of the effects of the court. The awards, only too often, have had no effect at all. I believe that the settlement brought about by Mr. Dodd would have been honourably observed as well without a court as with it.

Hon. J. E. Dodd (Honorary Minister): I do not think so.

Hon. D. G. GAWLER: I should be sorry to subscribe to that belief.

Hon. Sir E. H. Wittenoom: Mr. Dodd only persuaded them to go to the court; he did not settle it.

Hon. J. E. Dodd (Honorary Minister): That is quite right.

Hon. D. G. GAWLER: I would like to draw attention to one or two points in the Bill, particularly the definition of the term "industry," Subclause (b) enables organisations to be made in crafts, and it seems to me that if organisations of workers are to be allowed in crafts it will put the employers to a considerable disadvantage. Take the engineers, who constitute an element in many trades. Under the Bill the workers can organise into a craft; so all the engineers can organise, notwithstanding that they are in many different industries. Suppose a general claim were made by the engineers for a rise of wages. I take it that it would be necessary for the employers in the different industries in which the engineers are employed to organise together in order to resist such a claim. Would that not be an almost impossible matter?

Hon. W. Marwick: Why should it be impossible?

Hon. D. G. GAWLER: Because the employers' interests are not nearly so closely identical as are those of the engineers. We may have an employer in a foundry in which engineers are engaged; then there will be an employer in quite some other line of business, but one in which engineers are also engaged. Beyond the fact that engineers are employed in these two industries there is no community of interest between the employers at all. Clause 6 applies to industrial agreements under which the award can be a common ruling, and made to apply to workers whether unionists or non-unionists. I do not know that I need say anything further on the question of the president of the court, except to emphasise what those who have gone before me have said, namely, that it would be possible under the wording of the clause to appoint a man of most revolutionary ideas as president of the court. I think such a chance should not be allowed under the Bill, if for no other reason than that it is bound to give rise to suspicion outside. If you cannot get an impartial man outside the judges of the Supreme Court I cannot see what reason there is for departing from the present constitution of the court. There can be no doubt about the impartiality of a Supreme Court judge as president, and the only difficulty is that he is not a trained man. But he has trained men to assist him, and in the circumstances I think it is better that he should not be a trained man. One reason I have always held for the failure of the court to give satisfaction is that it has not been a body to deal with a matter *ad hoc*. It goes all over Western Australia, and has to know the conditions of every single industry and various local matters, which it is almost impossible for such a court to grasp.

Hon. J. E. Dodd (Honorary Minister): What substitute would you suggest?

Hon. D. G. GAWLER: Wages boards. For my own part I recognise that some change has been asked for by the people of the State, and therefore, I shall vote for the scond reading; but there are one or two provisions here which at first sight I cannot approve of, and consequently I shall give all attention to the explanations yet to be furnished by Mr. Dodd. But I see not a mention of the employer; from one end of the Bill to the other everything would appear to be in the favour of the employees.

Hon. J. A. DOLAND (Metropolitan-Suburban): In respect to the Bill. I would like to observe that it is very generous on the part of those who have preceded me to say they are going to support the second reading, reserving

to themselves the right of mutilation when they get the Bill into Committee. The principle of arbitration has been dealt with by most of the speakers; but, after all, our experience of compulsory arbitration has led me to believe that it is about the only method whereby we shall bring about a certain amount of industrial peace. We cannot claim perfection for it; in fact, we have no system in Australia of dealing with industrial matters which has proved to be perfect. New Zealand tried this system with a good deal of success. Farther than that, they have from time to time amended their Act to bring it into line with what is proposed in this measure.

Hon. J. D. Connolly: No; they amended it on very different lines.

Hon. J. A. DOLAND: They have amended it so that it is possible for parties to approach the court free from the technicalities surrounding this court.

Hon. J. D. Connolly: How did they amend Section 98?

Hon. J. A DOLAND: I cannot answer that off-hand. However, the feature to be observed in compulsory arbitration is an endeavour to prevent strikes. I venture to say with Mr. Dodd that had no arbitration court been in force here there would have been far more strikes than have been instanced by Mr. Gawler this afternoon. Reference has been made to quite a recent industrial trouble on the goldfields, and that has been used as an illustration of how conciliatory measures would prevent any industrial strife. But let me say with all due respects to Mr. Dodd and his action in that dispute, that I do not think he or any other man on earth would have saved the situation if there had been no arbitration court in which to ventilate the trouble. Those engineers have simply stayed their hands for the present with the view of approaching the court at a later date; and if no court existed that industrial upheaval which was anticipated would undoubtedly have come about. The greatest objections displayed to the measure have been based on the fact that the Bill was introduced by a Government which, some members claim, is representative of the one class alone. Be that it may, the fact remains that this House is putting up a strong case for the employers, whom, I claim, they represent.

Hon. Sir E. H. Wittenoom: The employer is entirely left out of the Bill

Hon. J. A. DOLAND: The other House, it must be remembered, is representative of a greater number of people than are we, and this policy, as Mr. Moss and others have mentioned, has been endorsed by the people, and consequently I think it should meet with due consideration in this House. Great exception has been taken to the provision to include rural workers. It has been most pitiful to hear the plea put forward for this particular class of people. I grant with Mr. Cullen that there are instances where the pioneer settler would undoubtedly feel the pinch of an adverse award, and I will go so far as to agree with him that many of them are living under conditions that are not altogether favourable, but that is no reason why the persons in their employ should live under even worse conditions. The hon. member spoke of pioneer settlers. I know some "pioneer" settlers in the city who hold land and are desirous of employing men under conditions which are not fair or reasonable; and in order to bring about fair conditions among a great body of people, employed not by the men who are pioneering the land, but by the men located in Perth and living in comfortable circumstances, this measure should embrace the whole of those workers.

Hon. T. H. Wilding: How many instances can you call to mind of those you say are living in Perth?

Hon. J. A. DOLAND: If I said 100 you would not believe me; if I said one it would not be to the point. I know of many, but I am not going to give individual instances as it might be invidious. There is need for a Bill of this description, and there is also great need for the uplifting of the conditions surrounding industries. The shocking wages paid in Perth are a disgrace to the State; that is in industries it is very difficult to organise; and if we have no opportunity for

procuring good conditions for these people, they are absolutely at the mercy of the employers. We have heard a good deal about the agitator working up industrial strife, but Mr. Cullen is a very good agitator in the cause of those people he represents. There is no question about that; he is just as great an agitator as those people who are endeavouring to get better conditions for the workers. I know that there are firms who are paying on an average 7s. 6d. to girls up to 20 years of age.

Hon. W. Marwick: Why do you not send them into the country?

Hon. J. A. DOLAND: How many could you employ?

Hon. W. Marwick: More than you could offer.

Hon. J. A. DOLAND: We have hundreds of girls working for city firms who could not be absorbed.

Hon. W. Kingsmill: "Would not."

Hon. J. A. DOLAND: Possibly their natures would not fit them for the occupation, and perhaps they desire to follow a calling more congenial to their dispositions; but if that is so, why not endeavour to secure for them good conditions if they desire to carry out this work which is necessary in the city? In the first place if we were to shove them out into the country we would have to replace the labour in the city, or we would create a shortage of artisans, or a cry for the importation of artisans. They are just as necessary here as they are in the country, but wherever they may be it is necessary that we should provide for them decent conditions.

Hon. R. D. McKenzie: Could you give us any instance of those firms paying 7s. 6d. a week?

Hon. J. A. DOLAND: Yes. Foy and Gibson's is one, and I will back it up by facts.

Hon. R. D. McKenzie: Do they pay 7s. 6d. to girls over 20 years of age?

Hon. J. A. DOLAND: Not girls over 20 years of age. I said "up to 20 years." Further than that we had a statement during the inquiry into the shortage of artisans. Mr. Pearce, manager of Goode, Durrant's, complained most bitterly of the shortage of skilled workers in the clothing trade. Further on we found in evidence they were paying the magnificent sum of 25s. to those skilled artisans.

Hon. W. Kingsmill: Is that the maximum, minimum, or the average?

Hon. J. A. DOLAND: I think it was the average.

Hon. W. Patrick: What were they?

Hon. J. A. DOLAND: Clothing manufacturers.

Hon. J. D. Connolly: Men or women?

Hon. J. A. DOLAND: Women, of course. I do not know how a man would manage to keep a wife and family on 25s. a week. But a woman has the responsibility of citizenship just as a man, and 25s. is not a fair remuneration for her labour, particularly when they term these women skilled artisans. At a recent date, I find on looking through the columns of the *West Australian*, this same firm were endeavouring to employ these women at piecework rates at 4s. 6d. a dozen for trousers—a magnificent salary indeed.

Hon. J. D. Connolly: How much of the trousers did they make?

Hon. J. A. DOLAND: The hon. member would know just about as much of that as I do. When we bear in mind that the skilled artisan for this work in other shops in the city get 4s. 6d. to 5s. a pair for trousers, surely we must realise this class of labour has cause for complaiut, and as I have already indicated, it is one of the most difficult callings to organise for combined effort so that the conditions can be uplifted in that particular industry.

Hon. W. Kingsmill: Why is it difficult?

Hon. J. A. DOLAND: Well, I do not know, but just the same it is a fact. It is very difficult to organise these particular callings. White workers are the same; it is a most difficult thing to organise them; and it is only quite recently it has been at all possible to organise the shop assistants, and that has only been a spasmodic effort and has not been attended with very great results. We notice that every step taken to better the worker has been strenuously opposed by the employers. They claim with some degree of

warmth that not only would it affect their finances, but it would shatter the Empire, and weaken the Empire generally.

Hon. W. Kingsmill: Absurd!

Hon. J. A. DOLAND: I notice the hon. member smiles, but that was claimed when women were prevented from working in the coal mines, and it is only natural, as we keep on progressing, that the employing class will endeavour to oppose every forward movement made on behalf of the workers. However, the Bill does not go for that, and as Sir E. H. Wittenoom said in effect that he would not support this measure for raising the conditions of the worker—I think he said something to that effect.

Hon. Sir E. H. Wittenoom: I do not think I made such a statement.

Hon. J. A. DOLAND: I made a note of what the hon. member said, but I have mislaid it. I really do not think that was what he said.

Hon. Sir E. H. Wittenoom: I do not mind being misquoted.

Hon. J. A. DOLAND: As I have not got the note I made I shall refrain from mentioning the matter. However, the Bill is not calculated to provide wages for the workers. It is only a Bill in order to allow workers, and the employers as well, to settle by arbitration conditions that are going to prevail in the industry. Complaint has been raised that no attempt has been made to alter Section 92, and Mr. Moss lays claim owing to this fact, that the Bill is inoperative, that it will only enforce an award against one party and not the other. I claim awards have been enforced against the workers equally with the employers, and I shall give a few instances. In the recent tramway trouble four of the leaders in the trades union were convicted of having done something in the nature of a strike. They were prosecuted and fined, and the fines were paid. I think the first prosecution under this Act was against Mr. A. J. Wilson for doing something in the nature of a strike in the timber industry.

Hon. W. Kingsmill: Should they not have prosecuted all the strikers?

Hon. J. A. DOLAND: The conviction was only against one for having done something in the nature of a strike. It has been claimed also that workers will not observe awards that are unfavourable to them. I interjected when Mr. Cullen was speaking that the carpenters within the last 12 months received an award from the court that was lower than many contracting firms were paying around Perth.

Hon. J. D. Connolly: Did the timber workers accept it in 1906 and did the tramway workers accept it?

Hon. J. A. DOLAND: In the instance of the carpenters they received less than the rate being paid by many contracting firms in Perth, but nevertheless they have loyally observed the award. There is just the other phase of the question. When we deal with the employee under this particular section we must also recognise that he can be subjected to victimisation on the part of the employer; and this, despite the fact that many hon. members claim special virtues for the employer, has been the practice in the City. Members have asked whether there has been an instance of employers locking-out. In the tailoring industry eight years ago a firm locked out 12 men at a moment's notice. Action was certainly taken against that firm—it was the W.A. Supply Co.—and a conviction was obtained, though subsequently it was upset by a decision of the Supreme Court. That is, however, an instance to show that a lock-out has taken place at a moment's notice against employees. I had a very interesting case brought under my notice just about three and a half years ago in connection with the tailoring trade. The employers in the tailoring trade approached the court for an award in 1907; they cited the employees to the court, and an award was made in that industry providing for the teaching of apprentices, with several other conditions surrounding the employment of the apprentice, and also providing for the proper examination of these apprentices in their respective abilities at various stages of their apprenticeship. I was in business in Hay street soon after the award became operative, and one young girl and her mother came to me seeking employment. I

had no vacancies for apprentices, but in order to enhance her claim for employment she said she had a certificate of examination where she had passed an examination as an apprentice for the first period, and she produced it. Would hon. members believe it—the whole document was an absolute forgery! They had put her under no examination whatsoever; they simply took her work down from the workroom. When I saw the signature I knew it was a get-up or a fake. They told her the examiners were appointed by the court, and they would undertake an examination of her work. They signed the names "J. Coultas" and "T. Goldsworthy"—I think those were the signatures. Both Mr. Coultas and Mr. Goldsworthy were in business in Perth, but it was quite obvious they did this to block that particular girl so that she would not be endeavouring to be registered as an apprentice. I put questions to her, and she told me she was constantly asking to be registered as an apprentice, as her father desired it. This particular firm were endeavouring to shelve the registration of the apprentice as long as it was possible for them to do so, and in order to cover up their tracks went so far as to institute a bogus examination and produce this bogus document to defraud that girl.

Hon. J. F. Cullen: What has this to do with the Bill?

Hon. J. A. DOLAND: The plea has been put forward that the employer is always willing to observe the conditions of the award, and I am showing where it was broken most flagrantly.

Hon. R. D. McKenzie: Did you not bring them to book?

Hon. J. A. DOLAND: I could not. I reported it to the Arbitration Court, and also to the Criminal Investigation Department, but I was told that "E. Coultas" was not "J. Coultas."

Hon. J. F. Cullen: All this will help to shelve the Bill.

Hon. J. A. DOLAND: I should think that it would be very much to my friend's liking if the Bill were shelved. I myself was dismissed from employment without and particular reason upon the enactment of that award, and three other employees were dismissed with me. It evidently hurts my friend when I show that the employers sometimes will not recognise an award, and there is no hope of fighting him. I agree with Mr. Moss it is not always possible to convict an employer, neither is it possible to convict the employee. The value of the award is that it is morally binding, and people are prone to observe it. If we wiped out the Arbitration Act altogether the position would not be relieved; even wages boards would not save the situation; the men would strike just the same, and they would not obey the decisions of the boards. The object of this Bill is really to wipe away those technicalities which surround the court to-day, in order that parties may approach it and have their disputes settled free from friction. I shall give an instance of that. In the definition of "dispute" we know full well it has been very difficult to establish a case before the court, owing to the very limited interpretation put upon the dispute clauses. There is such an instance in the tailoring trade. The tailors approached the court and their award remained in force for six months. An appeal was lodged on the ground that no dispute existed, and the appeal was upheld, and this, in view of the fact that the employers cited the case and that there was a dispute, because they made an application for a reduction of wages below those that were obtaining, and the employees would not accept that reduction. Thus the dispute was created, and the court made an award agreeing that the dispute did exist, but the Full Court upheld the objection which was lodged. All we are asking for in this proposal is that the Arbitration Court shall itself determine when a dispute is a dispute. It really means when parties come before the court the decision of the court shall be final. There can be nothing unfair about that proposal. There is another matter in this Bill that must call for criticism, and that is Subclause 3 of Clause 8. I think it was Mr. Cullen who said that one employee in an industry

could invoke the Arbitration Court to take proceedings.

Hon. J. F. Cullen: No, any busybody can do it.

Hon. J. A. DOLAND: In a small industry like bookbinding, where there are only 25 employees under the existing Act, the employers could combine and sack all the employees, and no award could be made in that industry.

Hon. W. Patrick: They can form a union themselves.

Hon. J. A. DOLAND: They have a union. It is also very necessary in the interpretation of a dispute to have this clause adopted as it is here in the Bill. Two and a half years ago a dispute existed in the Metal Workers Labourers' Union, and there is a class of work known as vertical pipe making in connection with that. It is not often undertaken in Western Australia, and simply because that particular class of work was not in operation at that particular time the application to embrace that portion of the trade was struck out by the court. We want in the definition of "industries" to embrace all particular phases of the question as it appears before the court. Clause 10 has met with a good deal of criticism. Sir Edward Wittenoom asked how could a man engaged, say, in a flour milling industry regulate his contract prices 12 months ahead. We know well that when an employer embarks in an industry he must make allowances for these things; he must undertake that risk in any case, and if the court were not in existence he has no guarantee that the men will work for a given wage year after year. There is this other phase, that it saves a good deal of expense to the parties who are subject to the award, and I contend that it is a matter that should receive due consideration from this House. Mr. Cullen has made reference to preference to unionists. True, this Bill will do so but it already exists to a limited extent in the existing Act. I do not see any objection to that.

Hon. D. G. Gawler: If preference were granted, a union ought to control their men.

Hon. J. A. DOLAND: I can see no great objection to preference to unionists, for the simple reason that when the court makes conditions it will apply to those not in the unions, and as the unions have to bear the expense there should be no exception taken.

Hon. W. Kingsmill: What about the liability of a union in connection with the action of its members?

Hon. M. L. Moss: I am quite sure you would be in favour of shooting non-unionists.

Hon. J. A. DOLAND: The hon. member's interjection reminds me of a very strong preference which obtains in his own particular profession.

Hon. M. L. Moss: We do not shoot non-unionists.

Hon. J. A. DOLAND: I have a letter from a friend of mine who is practising the hon. member's profession in Perth, and in this letter he informs me that he was a legalised practitioner in South Australia. He came here and he had to qualify by remaining in the State six months, and then make an application to the Barristers' Board, and on the payment of £47 16s. he was allowed to practise. That is fairly strong preference, in my opinion. I do not think my friend can take exception to the unionists when his own profession endeavours to seek preference to that extent.

Hon. M. L. Moss: I may be dense, but I do not see the point of that.

Hon. J. A. DOLAND: There is another clause here which has met with contentious argument, and that is the clause relating to the power of the court to prescribe rules. The court is not going to run mad when they undertake a task of this nature. This is merely a formal provision so that they may regulate technicalities that surround the various trades. I will give an instance: The tailoring trade is surrounded by many technicalities, and in the recent award to which I have referred provision was made for a board to be appointed to deal with little differences of opinion that were purely trade matters. A provision of this nature would save endless trouble to the court if adopted, and I do not think the court

would go outside its powers altogether in making foolish rules in dealing with any industry. In connection with Clause 7, I would like to say on the question of the appointment of other than a Supreme Court judge, our friends have argued that if a layman is appointed to the position he necessarily will be a partisan. I do not think that is so. He will be no more a partisan than those who have already occupied the position.

Hon. M. L. Moss: That is a disgraceful statement.

Hon. J. A. DOLAND: I said no more than those who have occupied the position up to now.

Hon. M. L. Moss: There is an implication there.

Hon. J. A. DOLAND: Not at all. And further than that, if you want a striking illustration of how this will work, I will give an instance of the action of a recent president of the Arbitration Court. I will not say that it was a biased stand, but it shows that presidents of the court are as incapable of dealing with industrial matters as very often a layman is. An application was made on behalf of the workers for the regulation of an industry, etc. In that application no provision was made for incompetent workers. The workers did not ask for it and neither did the employers, so that neither was particular whether this clause was inserted. Justice Parker said that this would be mandatory on his part. It is not mandatory in the Act, but he thought it was. It was pointed out that that was not so, and immediately Justice Parker drew attention to that particular phase, the employers' advocate asked for it to be included in the application. Justice Parker ruled that it was not possible for him to do that at that stage, but when the award was issued that clause appeared in it. It shows that Justice Parker is just as prone to make a mistake as a layman. In connection with two recent awards, the barmen and barmaids were given £3 5s. a week, while the hairdressers in Perth were awarded £2 15s. There is a difference of 10s. in the particular occupations.

Hon. M. L. Moss: The longer hours in the one case.

Hon. J. A. DOLAND: The barbers work 54 and the barmen and barmaids 48.

Hon. B. C. O'Brien: The barber's is a profession in connection with which a man has to serve an apprenticeship of some years.

Hon. J. A. DOLAND: The president of the Arbitration Court not being a layman did not, in my opinion, show any marked ability in dealing with these and other industrial matters; consequently, the appointment of a layman as president would not be fraught with any great evil. In conclusion, allow me to urge in dealing with these industrial matters that we must endeavour to free ourselves from bias. Hon. members may laugh, but I claim that equally great bias has been exhibited on the other side, and when considering this question we should remember that we are dealing with two sections—those who have only their labour to sell, and those who have command of the markets at all times, and we are dealing with many industries that are not in the best condition in this State. We know there are many underpaid industries in Perth, and I believe it would be the desire of hon. members who have spoken to see those conditions lifted to a higher plane; consequently, when we recognise the fact that the people have adopted this policy, as Mr. Moss himself admitted, let us have the court free from all technicalities, and let the workers approach it so that the court shall be able to make an award, and that when the court does make an award it shall stand.

Hon. R. LAURIE (West): I should be sorry, indeed, to see the Industrial Conciliation and Arbitration Act wiped off the statute-book, and I say that as one who has worked with labour, and worked with unions and unionists for the past 35 years. I do not intend to touch all the cases that have been before the Arbitration Court as was done by Mr. Doland, because this measure, together with many others, has to be dealt with before the end of the session. We know full well that when the appeal was made to the country,

amongst other measures forecasted by the Premier was one for the amendment of this Act. I understood from the remarks made on the platform by the speakers who urged the amendment of the Act, that it was to get over the technicalities with which the Act was said to be bristling, and I for one would welcome the removal of those technicalities. Mr. Doland has endeavoured to point out many instances where unions of workers have been unable to go before the court, or if they have gone there, their action has been upset on some technical point. I trust that when we have finished with this Bill his desire in that direction will be satisfied, but while striving to do that I must, like Mr. Moss and other speakers, emphasise the fact that nothing is being done in this direction to say to a worker, who through the union has entered into an agreement with his employer, that he shall carry out his part of the agreement for a stated period. Only one conclusion can be arrived at by an honest man when the union does not step in and impose a penalty on the worker who does not keep his agreement, and that is that the union does not care whether the agreement is carried out or not. Take the instance of the Scottish collieries strike which occurred only recently. The union said to these 30 or 40 men, "You must not strike; we are not in accord with you at all; we will settle this dispute in the proper way." Notwithstanding that, the men went on strike, and were summoned for breaking the agreement. The magistrate fined the men, but because the agreement had not been properly made, or on account of some technical point it was upset in the higher court. There is an absolute illustration of the point that I am making. The union was held not to be responsible because they said to the men, "You shall not strike." That being the case, I think, from a very close connection with unions in Australia, and a knowledge of what took place 35 or 40 years ago, that it would be as easy to-day, and more in the interests of unionists if, instead of taking away the franchise, as was suggested by Mr. Moss last night—when men absented themselves from work, simply on the grounds that they did not want it, when there was no apparent reason why they should not want the work, except a trifling dispute between themselves and the employer—the unions had some domestic rules whereby they could prevent these men committing such a breach again. I take it that the union at Collie was in a position to say to the men "You shall settle this dispute by way of arbitration, because the workers of this State say that we shall have conciliation and arbitration and no strikes"; and I expected that we should have had in this measure something which would have shown that steps would be taken to protect the employer against the men, who would say, "We have a dispute, and we have an award, but we are not going to work, and we are not going before the court." None of us who have been in strikes, whether as employers or employees, ever want to be in one again. But there never was a strike yet when there was not arbitration and conciliation afterwards to settle it. That is the point I want to make. We may have strikes, we may have men out for 10 or 12 weeks, and people enduring the greatest suffering, but it all comes back to conciliation and arbitration in the end. For instance, let us take the strike which occurred at Fremantle many years ago. Who was it settled by? By the Bishop of Perth, the Roman Catholic Bishop, newspaper editors, and various others, who tried by conciliatory methods to bring employer and employee together. What is the Arbitration Act for? It is to do the same thing; therefore why strike it off? But let us have it as fair as possible. I am sure that no Government or Opposition could come to an understanding that any arbitration measure was absolutely fair, but we want to get a measure as near as possible to justice. I trust that Mr. Davis and Mr. Doland will not think that in saying this I am opposed to the measure. Perhaps there have been cases shown where amendments were necessary, but those gentlemen must listen to the other side of the question. Mr. Doland said just now that the employer could always protect himself under Clause 10. I want to point

out where he is entirely wrong, and where the employer would suffer. And mark this, when an employer suffers, the employee later on is going to suffer, and, perhaps, in a greater degree. Let me give an example: This Clause 10 provides that any time after the expiration of 12 months the court can be approached and an alteration made in an award. Let us take the flour milling, or the timber workers in this State, or the coal industry. The timber exported from this State amounts to about 150,000 loads a year and mark this! the people who are exporting this timber have to go into the markets of the world; we are not dealing with Western Australia now. If it were in Western Australia, what Mr. Moss suggested in his speech would suit admirably, namely, that we should have a provision similar to that in the Customs Act for a rise and fall in price, but that cannot apply where a person is selling in the markets of the world. Let me illustrate it in this way: the railways in India want, say, 50,000 or 100,000 sleepers. Millars Karri and Jarrah Company, or the Timber Hewers' Association quote for the sleepers. They have to quote against other portions of the world, and in the end the competition may be cut down to a fine point; perhaps a half-penny a sleeper may turn the scale. If in those tenders a rise and fall clause were inserted, they would be turned aside at once. A person at a distance wants to know exactly what an article is going to cost. In making the contract provision is made for delivery in 1911 and 1912, covering, perhaps, two years. It might be that the award in this particular industry was given at the end of 1910, and the contract is being made in 1911. At the end of 1911 the Arbitration Court sits and up goes the price of wages.

Hon. F. Davis: They would all tender on the same basis in the first place.

Hon. R. LAURIE: Yes; but Western Australia is tendering against the world. There are only two or three firms in this State tendering, and they are competing not only against Australia, but against every part of the world that deals in hardwoods, and a rise and fall clause would not receive consideration by any person outside the State. I want to show the difference there would be when there is an Arbitration Act in existence, and a possible chance of the rates of labour being upset in 12 months before half of the term of delivery had expired, and when there is no Arbitration Act. If there was no Conciliation and Arbitration Act every employer could have in his contracts a strike clause, so that if a strike takes place he covers himself, and there he is finished.

Hon. J. E. DODD (Honorary Minister): Do you think that any court would make an award for one year? You must trust the court.

Hon. R. LAURIE: I have to take the statements of the gentlemen who have just spoken and who have so little regard for the industry, and so much regard for the workers in the industry; because we have heard it said that if the industry cannot pay what is required it should go out. Every step that is being taken to-day is reducing the value of the sovereign. A sovereign to-day is not of the same value as it was 10 years ago.

Hon. F. Davis: A result of monopoly.

Hon. R. LAURIE: It is astonishing how the idea of monopoly gets into some people's heads. Just a few minutes ago Mr. Doland mentioned the cost of making a garment as being 4s. 6d. If we raise the price of making it to 7s. 6d. it is not altogether monopoly; that 7s. 6d. must come from somewhere, and consequently the value of the sovereign is so much less. You must be reasonable. I do not believe in the cry all the time that monopolies are doing it. I had occasion two or three years ago to inquire into certain monopolies which were alleged to exist in the State, and we found that every move that was being made to better the condition of men was increasing the cost of living, and naturally it is so. If you better the condition of the workers you increase the costs. By all means better those conditions but be satisfied with the cost as it is.

Hon. J. E. Dodd (Honorary Minister): You want to help us on with the single tax.

Hon. R. LAURIE: What I mean is do not close your eyes to the fact that if you better your conditions you must increase the cost; do not complain if you have to pay. I hope to see the day not far distant when, instead of scratching the coal mines as we are doing at Collie at the present time, and living on the Government of the State for supplies, that we shall be exporting coal to Java, Singapore and the Far East; but I am afraid that if you are going to have the court called upon every 12 months to settle rates of wages and conditions, your contracts ahead will not be made with the same security as if there was a three years agreement. I say decidedly that the unions have done a very great deal to better the conditions of the worker. I am saying that on the floor of the House, and I believe it, and I would be sorry to see the conditions of the workers become worse. I am satisfied that so long as the unions are used for the purpose of raising the conditions of the worker and leave other matters alone they should not be hampered; but where a union has the right to approach the court and get the master into the court, and have him absolutely bound down, should they not be in a position to make their members observe the agreements loyally entered into? I feel satisfied that the older unionists, such as Mr. Dodd and others, are with me and think the same. They like to see every agreement which is entered into loyally carried out faithfully, because we must remember that as often as agreements are disregarded so will the value of agreements be estimated, and not even unionists will respects fellow unionists who do not carry out agreements which have been loyally entered into. With respect to Clause 7, Mr. Dodd made it perfectly clear that a layman was to be appointed as president of the court, and one reason why a layman was to be appointed president was that he would have a better knowledge and grasp of the condition of an industry than a judge could have. I have felt ever since we have had an Arbitration Act in this State that a mistake was made in the court altogether. The employers appoint a man and the employees appoint another man; these men have to be appointed for three years, and we know there have been fights for the positions. I will not say as far as the employers are concerned, because Mr. Good has been appointed and re-elected and has held the position since Mr. Vincent resigned. It would be better if the court had been composed of a judge sitting as president, with the other two members as assessors. Let us take it this way. In a mining dispute how can a man who is an engineer, or a carpenter, of his own knowledge enter into the intricacies of mining? It is absurd for a man to try and grasp all the intricacies of any trade. No man can come along and grasp the whole of the intricacies of the trades in a country; but we should have a judge who can hold the scales of justice evenly and not allow them to weigh too heavily on the one side or the other.

Hon. F. Davis: Would not a business man do that as well?

Hon. R. LAURIE: I do not think he can. Mr. Moss pointed out the other night that there was absolutely no provision—I do not say it was done purposely—for the carrying on of the salary of the president for more than one year; in fact there is no provision for the salary of the president for one year. It is not stated what salary he is to get, whether it will lift him clear of all party disputes or not. There is nothing to say whether in the first year he will draw £700 or £800, and in the next year get £50. I give Ministers credit for the fact that that point has been overlooked. I think a man who has been in the habit for years of dispensing justice and listening to arguments on both sides, is more fitted for president of the Arbitration Court than a layman. Mr. Davis called attention to a dispute in which a man who was not a lawyer settled it very nicely. I have had a great deal to do with disputes, and in all disputes it is a question of give and take. You cannot get all you want, but you generally split the difference. There is one union I have had a great deal to do with as long as it

has been a union in this State. It contains 800 members, 600 being financial members at the present time on the books. That union has never been to the Arbitration Court, and I trust it never will have to go there. We settle our own differences. There is an application from that union at the present time for a modification of an award, and I hope this will be dealt with satisfactorily without any reference to the court, and I hope this union will always be able to steer clear of the court.

Hon. F. Davis: Who generally sits as chairman?

Hon. R. LAKRIE: One of ourselves.

Mr. Davis: Could he not act as well as a judge?

Hon. R. LACRIE: That is a point which I am glad the hon. member has raised. He has given me an opportunity of explaining. One of ourselves sits as chairman, because he has an absolute knowledge of the trouble in hand. We have never come out of the room without a clear understanding between the parties. Points have arisen, and there has had to be a little give and take in the matter. The men have always been reasonable with us. It is a question of practical men dealing with a particular issue that they understand. That is the reason why I say I have always taken exception to the constitution of the court here. You have a man who is a bricklayer, or carpenter, or blacksmith trying to deal with a dispute in connection with miners and so on. He is there practically as a partisan placing the case before the court for one side or the other. From my way of thinking it would be better to have a Judge of the Supreme Court as president with a man like Mr. Dodd or Mr. Davis, if they belonged to the trade which was then before the court, representing the men. This measure will have to be dealt with in Committee, and I shall have something to say on the clauses. In regard to Clause 9, I can clearly understand, I think, what is meant there. I believe that it means that in a workshop, or trade, or industry, how many men should constitute a gang, and so on: four or six men shall be a gang. These things give rise to a lot of disputes, but I do not see in the circumstance that the provisions will work harshly. We have been doing the same thing for years, but in some particular line of business it may not work as well; probably it may be to the detriment of the industry, but I think what I have stated is what is meant by the clause. I reserve to myself the right in Committee of dealing with the clauses. I am only sorry to see that no steps have been taken to try and make the men observe an award the same as the masters have to do. This is a question that bristles with difficulties. I know the executive members of the unions are always desirous of doing what is right and fair, but it is difficult to get the workers, especially the younger men, to observe the good rules of unionism as they should do. It is rather injurious to the unions as a rule. I am sorry to see the Government, in wanting Parliament to do something to brush away all the technicalities, to make for the better conditions of the workers in industrial matters and make for industrial peace, have not seen fit to make the unions hold to the agreemnts which they make, and so bring about that industrial peace sought for by this Bill.

Hon. C. A. PIESSE (South-East): I just desire to say a few words as far as the rural industries are concerned, as it is intended that they shall be brought under the Act. I fail to see why we should make this provision, because there has never been any outcry in the country districts that they should be allowed to come under the operations of the Act. In fact it will be found simply a dead letter so far as that primary industry is concerned. It will be utterly impossible to regulate the rural industry, for the simple reason that it is regulated by atmospheric influence, if I may use the expression; the weather regulates that industry—the sunshine and the rain. If the Bill is taken advantage of I am not at all clear as to how the court will deal with this question under Clause 9. I would like to ask the Minister in charge of the Bill whether he knows of a union of rural workers existing in any other part of the world. If he does I will

be glad to have from him some particulars regarding it. It seems to me to be utterly impossible to regulate the agricultural industry in the same manner as our secondary industries are regulated. As I have said, the industry is largely regulated by the markets. The values procured give the axis on which this industry will continue to revolve. Wheat one year is at 2s. 6d., and the next year at 3s. 6d., while, perhaps, it is back again at 2s. 6d. in the following year. Then there are the different seasons to be reckoned with. Would you base an award on production? This year it is so much per acre; next year it is only half of that. It will be simply impossible for the court to make an award. I fear there are certain agitators at work stirring up the employees in the rural industries. The rural workers themselves have never had a wish to form a union. The rural worker of to-day is the farmer of to-morrow, and glad we are to see it so. The Bill will be a dead letter so far as the rural industries are concerned. You cannot fix at eight hours the work of a farmer or his men. If you can regulate everything to take place within that eight hours, all right: but you cannot. It is not heavy work, but it is constant work, and it cannot be done within any prescribed time. Then take wet days. An employee cannot work on those days. What are you to do with him? And the same in regard to ploughing; this can only be done at a given time. It will be simply impossible to set rules to regulate the industry. I trust no action will be taken which will end in the farmers doing the work themselves; for this is what it would amount to. Who is going to put up with the inconvenience of being hauled before the court? And we know that very often the cases are of a frivolous nature, as in regard to the shearers the other day. I certainly cannot see how it is possible for any court to make an award for the rural workers, or even to classify them. The practice in the past has been to pay the men whether they worked or not, and a very good practice it is. If the weather prevented them from working they were kept comfortably inside and occupied as well as might be. But once you start this union business we will see how it will end. The men will not be paid for idle hours, and we know it is just the same with the shearers. I heard the other day of an instance in which a man's sheep were dying for a drink, and at the request of the owner one of the shearers went to assist him water them; for this he was called over the coals by his fellows and told that if he did such a thing again he would be denounced as a scab. Why do not the agitators responsible for this sort of thing go out and put in some honest work on the land? If capital invested in rural industries is not to be considered I do not know how we are going to develop this great country. However, I just throw out a word of warning in regard to the Bill. I have nothing to say against it where it can be applied to secondary industries the employees in which are all under cover, and that sort of thing; but to attempt to apply it to a rural industry worked in the open is absurd, for the whole work in that industry is a gamble dependent on the weather.

Hon. W. KINGSMILL (Metropolitan): I have but a very few words to say on the question, and those few will little concern with the details of the Bill. Mr. Doland said members were kind in supporting the Bill and reserving to themselves the rights of mutilation. As I look at it this Chamber would be very foolish to mutilate the Bill; rather should they cheerfully recognise that the responsibility of it rests on the Government of the day, and that Ministers are prepared to accept that responsibility. In politics, I take it, as in other games, the loser pays. There has been a bout at this game recently decided, and now the loser has to pay. Hon. members have said that the Bill as it is brought down is a one-sided Bill, that it only intends to benefit the employee. I do not go so far as that; but even if that were so I venture to say we could not very well expect anything else. The present Government have received a mandate from the country, and they are going to carry out that mandate. More particularly does the mandate apply to this particular class of legislation, the legislation controlling the relations between the em-

ployer and the employee, which we are now considering. So far as I am concerned, if I were on the floor of the House during Committee there is only one respect in which I would seek to alter the Bill, and that would be by amending Clause 7, in which, I consider, a bad principle has been introduced. We have now as president of the court a judge of the Supreme Court. It is not denied that it is sought to make some person other than a judge of the Supreme Court the future president of this court. For several reasons I think that is a step in the wrong direction. Taking first of all what perhaps I might state as the lowest grounds, this Government, like most Governments, have come into office with economy of administration, consistent with efficiency, as one of the foremost planks of their platform. Now, is it economical to appoint an outsider president of the Arbitration Court when we have four judges of the Supreme Court who, I will venture to say, are not overworked, but who, according to speeches made during this debate, have not even quite enough work to do? Is it, for motives of economy, advisable to create another highly paid office —and it will be a highly paid office if an efficient person is to be obtained for it. Is it economical, when we have these judges, with not enough to occupy their time, to appoint a fifth judge, seeing that four judges—for months past three judges —have been sufficient to carry out the legal affairs of the country, and administer the Arbitration Court as well? Is it advisable that this extra appointment should be made for administering the Arbitration Court ? Again, on the score of efficiency, is it seriously proposed that you can get any person better than a Supreme Court judge to stand between the two advocates who sit, one on each side of him, and to give effect to their opinions, and, more important still, to the opinions of those witnesses who give evidence before him ? Could a layman be found to do the work as efficiently as a judge, who has the experience of years in sifting and weighing evidence ? Again, the point taken by Mr. Moss should be fatal to this proposition, namely, that no salary is fixed for the remuneration of the gentleman who is to be appointed. He is to be dependent every year, so far as this Bill shows us, for the fixing of his emolument upon the goodwill of Parliament, that is, the goodwill of the Government, whoever may be in the Government. And again, let me point out this aspect of the question to those gentlemen who propose to make this appointment— as I read it, it is to be an appointment for life. It is quite possible—I do not say it is probable; but I still maintain it is within the bounds of probability—that in years to come a Government of a different political colour from the Government in power now may hold office, and they may not believe in a layman being in the position of president of the Arbitration Court, but they will find themselves in a very awkward position. If they seek to amend this condition of affairs, they will find themselves in the position of having to buy out, at an actuarial value I suppose, the president of the Arbitration Court before a judge of the Supreme Court can be appointed. Looking at it from a common-sense point of view, and from a constitutional point of view, and also from the point of view of economy or efficiency, I do not think that the appointment of a person other than a Supreme Court judge to this important position can possibly be justified. The only other point to which I wish to refer is one that finds no place in the Bill, though it has been mentioned by other hon. members; that is, the fact that no effort has been made in this Bill to endeavour to enforce the awards of the Arbitration Court, whether those awards have to be enforced either against the employer or against the employee. Hon. members have said, and I am inclined to believe it, that more breaches of the award take place on the part of employers than employees; but, be that as it may, undoubtedly the existing means for enforcing awards are lamentably inefficient. Some suggestion should be made in this Bill towards remedying that state of affairs. Do we find any? We find none. Mr. Moss spoke about the

possibility of disfranchising for a term of years those persons who disobeyed the orders of the Arbitration Court. This, naturally—it might possibly be the case—is a proposition that would act more in favour of the employers than the employees, because we might disfranchise one employer and possibly a couple of hundred employees. Mr. Dodd, perhaps, was not going to take that point; he is perfectly welcome to it; but I think, on these grounds, we might disregard this method. However, I do think that when unions are created they should take the responsibility in a financial form. When a union seeks to be heard by an Arbitration Court, and when employers seek to be heard, possibly it might be made to apply that they should put up some financial guarantee that the award to be delivered would be observed. I have no idea of the financial status of unions in Western Australia. I dare say a return could be obtained—if it can be, I should like to move for it—from the Registrar of Friendly Societies, showing the amount of accumulated funds the unions have at their command; but that it is possible for a very large amount to be accumulated may be found if we investigate the financial status of the unions in the United Kingdom; and in *Hazell's Annual*, for 1911, we find that at the end of 1907, which was the latest definite information available, making the figures I quote an understatement on account of the period being so far back, taking the 100 principal unions in the United Kingdom, comprising 60 per cent. of the union workers in the United Kingdom, the membership numbered 1,457,856, and that the annual income contributed by these members was £2,493,282, or, per member, £1 14s. 2½d. per annum. We find—and this is an important part—an accumulated fund in the hands of these unions amounting to no less a sum than £5,637,661, or an amount per member of accumulated funds of £5 4s. 9¼d. As has been pointed out—I do not know whether the two facts have any connection—these unions in Great Britain, with their immense amount of accumulated funds—again, I say there may be connection, or there may not, in the two circumstances—are not in favour of an Arbitration Court, not in favour of such a legal process as might tend to attach any of those funds. I do not think the unions in Western Australia would be actuated by any motive of this sort; I do not say that their friends in the United Kingdom are; but, at all events, if the unions in Western Australia are comparatively as wealthy as the unions in the United Kingdom, then I say that it should not be a matter of great difficulty for them to find a guarantee which would be fixed by legislation to be forfeited in default of any award of the Arbitration Court being properly observed by the members of the union. I consider that is a fair proposal, and one which might also be made binding on the employer. With regard to the rest of the Bill I do not propose to have anything to say, except that I cannot see that the argument that technicalities have been swept away has much application.

Hon. W. Patrick: What does it mean?

Hon. W. KINGSMILL: I do not know what it means. I know what the ordinary acceptation of the phrase is, but what it means in relation to this Bill I fail to see. I was about to say that if technicalities have been swept away, the generalities which have been introduced are far harder to define, and will cause a much greater amount of heartburning and inquiry than technicalities. For instance, take Clause 11 which is an amendment to Section 89. It provides that no minimum rate of wage or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in comfort, having regard to any domestic obligations to which such average worker will be ordinarily subject. That little clause has words in it which it will be the despair of any court to interpret. In the first place, "average worker" is, I think, extremely hard to define. Again, what is going to be defined as "reasonable comfort"? Then, "having regard to any domestic obligations to which such worker would be ordinarily subject"——

Hon. D. G. Gawler: That applies to an increase in family.

Hon. W. KINGSMILL: Apparently it is an average that waxes and wanes. The clause is almost poetic, but we cannot allow poetic license in Acts of Parliament; the two do not come together. It will be a most puzzling clause to administer, more puzzling than any clause I have ever seen in an Act of Parliament. A great deal has been made about the wretched wages paid in Perth to some classes of workers. I am very sorry to hear this is the case. It seems hard to think that such is the case. When one goes around Perth on holidays, or ordinary days, and sees the apparently contented, well-dressed and happy crowd of men and women, boys and girls, apparently with plenty of money to spend, it seems hard to believe that such a state of affairs exists.

Hon. Sir E. H. Wittenoom: With £4,000,000 in the Savings Bank.

Hon. W. KINGSMILL: Yes, and places of amusement filled—and it is right that it should be so—places of amusement filled on every occasion, whatever the expense may be. It seems to me that it is hard to believe that such a wretched rate of wage is obtaining in this city of ours; and, if it is, I say that action cannot be too soon taken to see that the rates of wages are at least commensurate with the work these toilers perform. It is strange that most of the instances quoted are, I understand, under an award of the Arbitration Court, and therefore a result of an award of the Arbitration Court. That is a very peculiar thing, and it seems to point to the fact that the Arbitration Court, while apparently fulfilling its functions, does not do so altogether. I have heard other accounts. I have heard other accounts from people who are engaged in business, in the business of manufacturing, in this State. I have heard it said that nowadays the margin between profit of manufacturing and the profit on imported goods is getting so very small that many firms, some of them employing 200 or 300 hands, find it a matter for grave deliberation as to whether it is better to import or to go on manufacturing. I know at least one firm who do not increase the scope of their factories, preferring to import goods rather than manufacture them here under the conditions which exist, and which they think they see coming in the future. The Government have great power in their hands, a power which I know they will try to use judiciously, and which I hope events will prove they have used judiciously. I am not referring alone now to increases on actual wages, but I hope that hampering restrictions will not be placed on manufacturers to such an extent that their operations will have to be curtailed; for then the operations of the Government, who undoubtedly, in common with all of us, I think, are friends of the people, will have the result of injuring rather than helping those they wish to befriend. I am going to support the second reading of the Bill. I do not altogether agree with many of its provisions. I disagree, most heartily, with the one I most principally condemn, but, while I do so, I recognise that, in this respect at all events, those in power at the present time have received a definite mandate from the people of Western Australia, and I think it would be foolish, injudicious, and unwise for me, or for any other member of this Council, to stand in their way towards carrying that mandate into effect.

Hon. W. PATRICK (Central): I would like first of all to express my which Mr. Dodd introduced this measure, and while I have always been a strong advocate of industrial unionism, and while I have been in favour of conciliation and arbitration, I cannot say that I agree altogether with the different clauses in this measure. With Clause 7, dealing with the appointment of the president, I agree with the whole of the speakers who have preceded me that it would be a mistake to appoint a layman. I do not think it is necessary to repeat the arguments already made, because I believe they are so convincing that they cannot be refuted. I do not intend to go through the different clauses in the Bill, because they have been dealt with by most speakers, and as I shall vote for the second reading, the opportunity will be given to deal with the clauses as they come before us in Committee. I would like to

say that arbitration will continue to be a failure until we can enforce the awards on both parties. I do not think it is necessary to repeat any argument in favour of that. The decision of a court of law, which is not obeyed, is simply a farce. There ought to be a provision in this measure, and I should like the leader of the House to introduce an amendment to make it compulsory on both parties to obey the decision of the court, subject to a penalty which would make the award effective. In many cases, as we know, employees have disobeyed not only decisions of the court, but they have taken steps to defy the spirit of the measure itself. Most of us know, and Mr. Dodd will agree, that if it had not been for his personal influence there would have been a great upheaval in Kalgoorlie within the last few weeks, and it just shows the importance of the individual in the community as compared with the great multitude. We all know that Mr. Dodd has a peculiarly magnetic personality, and I for one am very pleased to see him in this Chamber, because we know that on every occasion, and no matter what attitude we may take up, although we know to which side he belongs and in which direction he will give his support, that he will do so in a generous spirit with the object of bringing about the result he desires. I am sorry that Mr. Davis is not in his place, because he made a reference to the effect that Mr. Moss could not really appreciate the position, as he had been brought up in a particular environment or a particular class. I think the word "class' should never be uttered by anyone in this community. It is perfectly absurd in any part of Australia, and more particularly in any part of Western Australia, which is almost composed of people who have come here to better their conditions, to talk about class. We are all of one class. I believe in dealing out justice to all classes, and I say that if you have a measure on the statute-book that cannot be enforced, that measure is a class measure. No one would be more delighted than I to see an Arbitration Act on the statute-book which would prevent strikes and lock-outs in the future. I see no reason why that should not be done. The matter is undoubtedly in the hands of the Government which is at present in occupation of the Treasury bench. I certainly would not agree to the proposal made by Mr. Moss to disfranchise everyone. I should say that everyone should have his right to vote as a citizen protected, but I certainly should like the law to be of such a nature that the citizens would observe. So long as this is not done the law will always be a failure. I am very sorry Mr. Davis is not present because he said he questioned whether there was a class in the community of any importance other than the labour class. Of course that was a very unwise statement to make and a very foolish one too, as, after all, in any community the minority is the most important class, and that is where brains and ability always exist. The minority may not be among the employers nor among the employees, but the minority in any community is always the most important part of it, as we know from history. If we take the last hundred years, we can count almost on the fingers of one hand the men who have created modern civilisation from the time of James Watt downwards. So far as ordinary physical labour is concerned, up to the time of the invention of the steam engine the tools of trade had been in use for over 2,000 years. I read only recently that the looms that wove the petticoats of Ann Boleyn were the same as the looms on which were woven the garments of Semiramis. All modern efforts have been the result of genuine enterprise and the genius of very few men indeed. I would like to illustrate what I mean in regard to what the position is to-day as compared to what it was years ago when people lived directly with Nature, and who used old-fashioned tools and old-fashioned methods. When I was a lad I visited the Dominion of Canada on a holiday, and I always make a point when I am travelling through a country to find out the condition of that country. I visited the house of a Canadian habitant; that was the name by which French-Canadians on the land were called and

there I saw an old man with his wife and family. There was a spinning wheel and a hand loom in a room, all the furniture had been made by the people themselves, they had a few sheep, they spun their own wool and wove it themselves, they had their own cows and sheep, and a few trees, among them the sugar maple, from which they made their own sugar, and these people were perfectly content, but they certainly did not represent a condition of society to which anyone in this Chamber would aspire. That was the condition of practically the whole of the people of the globe until men of genius like Watt and Farraday and Edison, and others whom it is quite unnecessary to enumerate created modern prosperity. Mr. Kingsmill referred to the people of Perth, and I am sometimes startled to see the amount of wealth that exists in this little city of about 40,000 people. There are eight or ten houses of amusement open every evening, which are filled with large gatherings of young men and women and people of middle age. All this has been made possible by the inventions of different men, a handful in different parts of the world. I would like to draw attention to one aspect of the labour question which has been dealt with only, I think, so far, by Mr. Piesse, and that is the question of rural workers. One would imagine to listen to many of the speakers that all the people in Western Australia consist of skilled artisans. It is nothing of the kind. We know that the wealth of this continent comes almost entirely from the primary industries. We know that in this State there are practically only two industries, mining and agriculture, and with the latter is associated squatting, and that these have created the wealth of Western Australia. So far as the agricultural industry is concerned, it is perfectly helpless in relation to the other parts of the community. By the protective laws of the Commonwealth those engaged in this industry are compelled to pay from 30 to 50 per cent., and in some cases 100 per cent. more for their tools than they should otherwise be produced for. The same applies all round, while, as Mr. Piesse says, they have to sell the produce of their labour in the markets of the world. It is quite evident that while a builder is compelled to pay his carpenter 1s. a day extra, that builder can pass that amount on. Sir Edward Wittenoom will understand the reference when I state that I recently had a conversation with one of the representatives of Millars' Karri & Jarrah Co., who informed me that they had been forced to give an extra 1s. to some of their employees. I asked him what he had done in consequence, and he replied, "We have raised the price of timber." I have no doubt that in the tailoring industry, to which Mr. Doland has made reference, the employer would shift on the extra 2s. 6d. he was compelled to pay, but the farmer cannot do that. He cannot move the price a single farthing. All must know that the agricultural industry is the hope of this State, and at the present moment this is the chief cause of the State's prosperity, while the mining industry has been slowly bleeding away from year to year and month to month since 1903. On the other hand the agricultural industry has been growing at a tremendous pace. There is, however, a misconception about many men who are on the land, I will not use any names; I will simply refer to a leading article published in a newspaper not a hundred miles from Geraldton during the recent elections. This article is headed "A Greek Gift," and we all know the old saying, "Beware of the Greeks when they come bringing gifts in their hands." It referred to the proposed abolition of the land tax by the late Government, and said that there was to be an increased income tax beginning at £2, which of course was not correct, and that the farmer would be much worse off than before, and it stated "he is a small farmer who has £500 a year." I do not know who wrote that article, but a greater combination of ignorance and mendacity I never heard. Not one farmer in a hundred in this State is in the enjoyment of £500 a year. Let me take a case to illustrate this. I suppose that the man who has 400 acres cultivated and has 200 acres under crop each year will not be called a specially small farmer, but

we will assume that he is a small farmer. Last year the average yield of wheat per acre was 10 bushels and a fraction. It is true that throughout the State there were many farmers who had 25 bushels and some 15 bushels to the acre, but on the other hand there must have been a few with five bushels, because the average for the State was only 10 bushels and a fraction; and the average given by the Government Statistician was a great deal more than the actual result, because we know the amount of wheat exported, and the fact that there is none left in the State to-day shows that the estimate of a 10 bushel average was in excess of the true result of last year's harvest. Let us then take a farm with 200 acres under crop averaging 10 bushels to the acre and the wheat selling at 3s. a bushel on the farm, which was about the price the farmer received last year; that would give a gross return of £300. But in order to get this £300 the farmer has to provide 200 bushels of seed wheat at, say, 3s., the price at which he sold it—although if he had had to buy it, it would have cost him probably 4s.—that is £30. He would require to pay £25 for five tons of superphosphate and railway carriage, assuming that he was not far from the seaboard. He would require 10 tons of chaff, and that last year would have meant a minimum cost of £30. He would require to pay at least £3 in rates, and not less than £1 in wheel taxes. I am assuming that he had horses of his own and his own implements, the latter of which of course would have cost him some £300 or £400, and the depreciation on them would be at least £25. If he was a new settler with 1,000 acres at 15s., which is the medium price, or slightly below the price for fair land during the last year, he would require to pay £37 10s. in rent.

Hon. Sir E. H. Wittenoom: Do not forget the interest.

Hon. W. PATRICK: I am assuming that he has Crown land. If he had bought repurchased land the interest would amount to over £50, but I am taking an average case and stating it as moderately as I can. I am making no allowance for repairs to machinery, although last week I spent over £10 in replacing broken parts of machinery on my son's farm. The costs I have enumerated make an amount of £161 10s., which leaves to the farmer £138 10s.

Hon. T. H. Wilding: You have not included the cost of clearing and fencing.

Hon. W. PATRICK: I am assuming that his land is fenced, that the fences are in good condition, and that he pays nothing for gates. I am trying to point out exactly how the farmer would stand.

Hon. V. Hamersley: He would be a bloated capitalist.

Hon. W. PATRICK: Yes, a bloated capitalist. As a result of this 200 acres of crop he would get £138 10s., and out of that he would have to meet his storekeeper's bill, the interest (if any) due to the Agricultural Bank, and all other charges. And this is not any imaginary case. Members may ask then why do people go on the land? The reason is perfectly simple; the land hunger, especially in the Anglo-Saxon race, is insatiable, and when a young man and his wife go into the wilderness to convert this land and make it into smiling fields and gardens, they go there with the expectation of some day owning the land and seeing it in time rise in value. He has created what is called the unearned increment, but I say it is very hardly earned indeed. I believe it is the policy of the party in power to tax the unearned increment, but I say that no one outside of Bedlam would go on the land if he did not expect to get the full benefit of his labour and his enterprise. The usual routine of the farmer is to rise at dark, breakfast at dawn, work all day, taking his lunch in the field, come home at dusk, have a wash and some tea, feed the horses, and go to bed. Now if this measure affects the rural workers as I believe it does, all I can say is that there will soon be no rural workers employed by anyone. Each farmer will do as much of his own work as he can, there will be practically no employees, and the result of this legislation will be to strike back on the very people who are trying to get better conditions for the worker.

Amongst others, Mr. Davis spoke a lot about majority rule. We know that majority rule is the law so far as members of Parliament are concerned, but the majority rule does not exist in this State and never has existed in any part of the globe. It does not exist in the Labour party or in the Liberal party, in both of which there are a few men who control the whole machinery, and the same thing will apply to the unions under this Act. I do not think it is necessary for me to say anything further except that if it is possible to see this Bill moulded so as to make the position of the Arbitration Court of such a nature that there can be no strikes or lockouts in future, there will be no man in this Chamber who will be more pleased at that result than myself; and I intend consequently to vote for the second reading.

Hon. W. MARWICK (East): I rise to support the second reading, with the object of amending some of those very dangerous clauses in Committee. This Bill has been freely discussed, and the House is very much indebted to the various members for the clear way in which they have explained these most dangerous provisions. I, as an agricultural member, am indeed grateful to Mr. Patrick for the way in which he has explained the danger of the clause which gives power to any worker to come under this Bill. The clause which I shall most refer to and which to my mind is most dangerous, especially to the worker himself, is Clause 11. I may say, as one who has prided himself as an employer of labour for many years, on giving great consideration to the worker, that in the case of the firm to which I belong, we have on our farm men who were born there, and who are to-day 38 and 40 years of age, and others who have worked there for 16 or 17 years, and have large families of children round them. This Clause 11 says—

> No minimum rate of wages or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject.

It will be found that so far as the domestic obligations of the ordinary farm labourer go, immediately a man begins to get a fair-sized family around him the employer will have to dispense with him and he will have to get employment elsewhere; it will be impossible to pay the increased remuneration to a married man—that is, if the clause is left so wide, as it is now, because it is difficult to know what the court may do in regard to this man and the result will be that the unfortunate married man will be driven out with his family. I am in favour of any measure that will prevent strikes. As farmers we have been very fortunate in not having had strikes in the past, but I have seen in the last year or two that we have about many born agitators, who are not workers, trying to cause strife amongst a happy and contented community. I say a happy and contented community because we are in the position of having to break in each year 25 per cent. of the men who work on the farms, and fully 19 per cent. of that 25 per cent. are men unsuited for any other occupation.

Hon. C. Sommers: They break something for you, too.

Hon. W. MARWICK: They do, but we have been put in that unfortunate position during the last few years. This year, owing to the poor season we have been able to get all the labour we wanted in some parts, but it has been very scarce in others, notably in the old established district in which I have lived all my life. There are any number of farmers who could not get workmen. Had we been blessed with a good season the farmers would not have been able to cope with the harvest unless we had received five times as many immigrants as come to this country. Unfortunately most of the immigrants are not the class of farm labourers we want. They come out on the pretence of going on the land, and many do go on the land, but they forget that they ought to work for some time to gain experience. McCallum and Company, and those associated with them, get hold of these immigrants and tell them that they must not work for a wage under 8s. a day. If these

men were allowed to go into the country and earn what they can and gain experience it would be much better for the community, and there would not be so many men walking about the streets. Even that class of immigrant, as well as the unfortunate married man, who becomes burdened with a large family, will suffer if the average wage becomes law, because it will be impossible for a farmer to pay a man with a large family what would be fair remuneration for him to keep his family in domestic comfort. I would like to know where the line will be drawn. I hope this clause will, in Committee, be struck out. I have no objection to a rural workers' union, I said that on the platform when seeking the suffrage of the electors, if we can get the class of labour required; but if this matter is left in the hands of the individuals who tried to form rules and regulations for the rural workers' union, it will become dangerous. I did see the schedule which was laid down for the rural workers' union and I am sorry I have not the figures here, but it provided that any man who drives a team of four horses should receive 9s. a day, a man who drives a binder 10s. a day, and the man who drives a harvester 10s. a day. Every year in my farming experience I teach three or four men to drive these implements, sometimes a great deal to my disadvantage, but I realise I have to take my part in the community, and bring as many farm labourers to perfection as possible. If stagnation came about, which I think it will, we shall have many farm labourers of the right type, but if there is no set back to farming we shall be faced with a difficult problem, and that is where the rural workers' union will become dangerous. This Bill has been framed to serve the worker. We are all pleased to see the worker living under good conditions, and as Mr. Kingsmill has said, there is no country in the world where the workers are so well off as in Western Australia. We never see men begging, no-one seems depressed, everyone seems happy and contented, and well dressed, and well fed. In the early days of the goldfields, and I am sure Mr. Dodd will bear me out, you could see a few of the Western Australian natives hanging about hotels, they did not want to work at all, because they could live cheaper than other men.

Hon. F. Davis: Do you mean aboriginals or the other natives?

Hon. W. MARWICK: Not aboriginals. Now these cases are rare. I am pleased to see the worker get work in any part of Western Australia, but every man is to get an average wage and that average wage is to be fixed by some gentleman, it may be Mr. McCullum or someone appointed by the party to which he belongs, we do not know who it will be. It would hardly be reasonable for such a person to decided all points in dispute between the employer and the employee. There are so many disputes brought before the court, and I think a judge is the person most fitted for the position of president. A good deal has been said about the question of the duration of an award, and the position builders and contractors will be placed in, if they entered into a contract, and were faced every now and again with an increase of wages. Mention has been made about the milling and timber industries. As to the milling industry, I know something about it. It is impossible for the millers of the State to make a contract, if they have not some fixed agreement with their men. Only a few months ago the engine-drivers and firemen connected with the milling industry made a demand for increased pay, but it was shown that the industry could not afford to pay these men more. It was pointed out to the men that they could, by doing a little more work—they readily accepted it, and it shows how true they are to themselves—that by doing a little piece work they could make more than the court awarded. I know of a case in which an artisan wanted to teach a young fellow a trade, but an agitator came along and told him he could not do that. I could say a great deal about the rural workers and the effect they have on the primary industries of the State, but I think other members have spoken sufficiently on this, and I have to thank Mr. Patrick for the able manner in which he put the facts be-

fore the House. Mr. Cullen said yesterday that at present farm labourers were drawing more out of the land than 75 per cent. of the farmers are, and that is quite true. The farm labourers are paid all the year round, they have perhaps three wet days in succession on which days they can only feed their horses, then three or four hot days follow on which they could work nine hours a day if the union would allow them, but the union says that they must not work more than eight hours on any given day, and that if they work nine hours they must be paid overtime. Those are the rules of the rural workers' union and I say that no farmer can farm under these conditions. Last year we had a threat held over our heads of the appointment of this rural workers' union, and my farm had to drop off to the tune of 1,000 acres, owing to the rural workers' union threatening to be put into operation in the district. Farmers will have to let their land drop back into sheep walks, there is nothing that will compel us to do otherwise, only taxation, and we have to bear that now. I hope the Bill will be amended to such an extent that it will become workable and give some consideration to the other side of the question.

On motion by Hon. J. D. Connolly, debate adjourned.

BILLS (3)—FIRST READING.

1, Workers' Homes.
2, Transcontinental Railway.
3, Permanent Reserve Rededication.
Received from the Legislative Assembly.

BILL—HEALTH ACT AMENDMENT.

In Committee.

Resumed from the previous day.

Hon. W. Kingsmill in the Chair: the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress had been reported on a new clause moved by Mr. Moss to stand as Clause 2, as follows:—"Section 86, Subsection 2, of the principal Act is hereby amended by striking out the words 'in use' from line 3 of the subsection and inserting in lieu the word 'provide.'"

Hon. J. D. CONNOLLY: The attention of the Colonial Secretary should be specially drawn to the importance of the proposed new clause. The subsection had been inserted at the request of property owners, who notwithstanding that their houses might be untenanted for a substantial part of the year had to pay for the service. Surely the local authorities should only be paid for services rendered. However, if the Colonial Secretary was satisfied with the clause, that was the end of it.

The COLONIAL SECRETARY: Personally he was in favour of the proposed new clause, but at the same time he was afraid it would give rise to a great deal of controversy. This being so, he would advise Mr. Moss to withdraw it, because he (the Colonial Secretary) could not support it.

Hon. M. L. MOSS: the trouble was that the subsection cast upon the municipal council the onus of proving that the service had been rendered. At the beginning of each financial year estimates were made up on the assumption that a rate would be collected for every pan in the district, and it was most confusing to find subsequently that perhaps a considerable part of the revenue could not be collected.

Hon. R. D. McKenzie: Would it apply to a private contract as well?

Hon. M. L. MOSS: Wherever a pan was provided payment would have to be made. In imposing ordinary health rates on a tenement the question of whether or not premises would be occupied for the whole of the year was not taken into consideration. Why then should it have a bearing on the rate for the pans?

Hon. Sir E. H. WITTENOOM: No doubt the existing system caused a great deal of trouble to the municipal councils when endeavouring to frame an estimate of what rates they would collect, and making contracts on the basis of that sum. At the same time it seemed a little hard that property owners whose tenements were unoccupied for three or four months at a time should have to pay. It

was not easy to see how this could be avoided.

Hon. R. LAURIE: This was one of the difficulties arising out of municipalisation. It would be very different if the work were being carried out by a private contractor who would be paid only for services actually rendered. No doubt it was difficult under the present system for a municipality to determine what amount of money would be received in the year, while, on the other hand, it seemed unfair to demand payment for services not fully rendered. However, what loss was incurred was spread over the whole of the municipality.

Hon. C. SOMMERS: It was to be hoped the new clause would not be agreed to. It was bad enough for an owner to have his house empty without having to pay for services which were not being rendered.

Hon. J. D. CONNOLLY: The subsection had been inserted not only at the request of property owners, but at the request of the councils, the local authorities having found that under the Act of 1898 if they rated a house on the 1st January, and that house was empty, they could collect no pan rate on it for the whole of the succeeding twelve months. To remove this grievance the subsection had been inserted in the Act of 1911, providing that although a house might be empty for three months in the year, yet the council would be able to collect the rate for the remaining nine months.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

Sitting suspended from 6.15 to 7.30 p.m.

BILL — EARLY CLOSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 12th December.

Hon. J. D. CONNOLLY (North-East): I have no objection to the amendment contained in this Bill, although I think it is an unnecessary piece of legislation. In saying this, I refer more particularly to the Act than to the Bill. While the Act stands, probably the Bill is necessary; because the only object and the only point of any moment in the Bill is to provide machinery to establish a Saturday half-holiday, and I am aware that under the Act as it stands now it has been proved by a decision of the Supreme Court that it is almost impossible to establish a Saturday half-holiday. However, I think the Early Closing Act is superfluous. It was first enacted in 1899 or 1900, and was enacted for about two years. When the term was up it lapsed for a month or two, and then was re-enacted in 1902. It was amended in the same year and was further amended in 1904. In that respect it is a very hard Act to follow as I know from administering it for some years, because first we have the Act of 1902, and an amendment in the same year, and then an amendment in 1904 which is rather larger than the principal Act. This also renders it very difficult to understand the Bill now before us, as we have to follow two previous amendments in addition to the principal Act. What I wish to draw attention to is the fact that the Act was originally passed two years before the passing of the Conciliation and Arbitration Act. Undoubtedly the Early Closing Act is a measure to regulate the hours of shop assistants, and I do not think any member will dispute the fact that when it was first passed, and when it was re-enacted in 1902, it was a measure that was very badly wanted; because, if ever there were employees who should have their hours regulated by statute, they were the shop assistants. Some unscrupulous persons at that time worked their employees a great deal longer than the regular eight hours—probably it was more like 16 hours a day—and men who tried to do a fair thing by their employees met with the competition of those who kept open at all hours, and on Saturdays. But later on we passed the Industrial Conciliation and Arbitration Act for the purpose of regulating the hours and wages of employees generally. The Early Closing Act could

then have been repealed and provision made for fixing the hours of shop assistants under the Industrial Conciliation and Arbitration Act. It seems rather strange that, while we allow a carpenter or a bricklayer to work as long as he likes, we restrict the storekeeper to working only a certain number of hours under the Early Closing Act; but the great fault I have to find with the Act is that it gives every opportunity to the big man and no opportunity, except under the small-shops section, to the small man. Take the drapery trade. It is almost impossible for a shop employee with a little capital of his own to start a shop of his own; because, with our suburban train and tram systems, a man starting in the suburbs, as he would have to do, would get scant consideration from the public, as for a threepenny fare, or even less on the train, in a few minutes people can get into the centre of the city and have the choice of the stock in a place like Foy & Gibson's, running probably to £50,000; so the small man has no chance. Undoubtedly in the past big firms like Sargoods, Goode, Durrant, Foy & Gibson, and numerous others I could name, have built up within our own memory from a small beginning. They started in a small way in the suburbs and kept open and worked themselves so as to get a connection and work up a trade, and gradually developed into large places of business. Now, the Early Closing Act has had the very opposite effect, and that is the fault I find with it. It has undoubtedly played into the hands of the big men, and it prevents any little opportunity a shop assistant might have of establishing a business for himself. I cannot see why a shopkeeper should not be allowed to open his shop in a suburb, and if he cares to open on Saturday afternoon and every night why he should not be allowed to do so. We allow every other person to work if he likes, but force the small shopkeepers to close for the benefit of the big shopkeepers. For these reasons I think it would be much better if the Act were repealed and the Industrial Conciliation and Arbitration Act extended so as to cover the hours shop assistants should work. I have no fault to find with it in that direction. When the measure was passed it was a very necessary piece of legislation indeed, but it has not worked in the direction that I think the framers of the Bill, and those who assisted to pass it, intended. The main provision in this amending Bill is to provide for the closing of shops, if the public so desire, on Saturday afternoons in lieu of Wednesday afternoons. If the public desire that, they should certainly have it; and it would be a great boon indeed to the employees in the shops if it were brought about; but I would go even farther than the Bill proposes, and, instead of making the shops close at six o'clock on five nights of the week, I would make them close at six o'clock on six nights in the week and have no late night at all. I am pleased to see that the time is reduced to 9 o'clock, but I think the late night could be done away with altogether, more particularly when the half-holiday is on Saturday, and in Committee I shall probably move in that direction. I do not think the late night is of any assistance at all or of any benefit to the public when it is on the Friday night, as it will be if the half-holiday is on the Saturday. If the shops keep open till nine o'clock on Friday night no workman can benefit. He probably does not go to his home till six o'clock, and by the time he changes, has his tea, and gets away from home again the best part of the time is gone. Then, again, that man cannot come into town because necessarily he must get to bed early on the Friday night to go to work on Saturday. Of course, that does not apply if the holiday is on the Wednesday; for with the late night on Saturday, he need not get up so early on the following morning. It is particularly hard on employees to have to go to work on Friday night with the holiday on Saturday. At present when they have to go to work on Saturday night they need not get up so early on the Sunday morning, and if they work late on Friday night they must get up early on Saturday morning, so I think it would be as well to do away with the late night in the

week if the holiday is on Saturday. Of course, there is not the same objection if the holiday is on the Wednesday. The only people who would object to my suggestion would be the publicans, because there would not be so many people hanging about the town. I do not think the late night is of any real benefit to the public; certainly it is of no benefit to the employees in the shops. As for the country districts, the people go into the towns on Saturdays, and it might be some inconvenience to close shops on Saturdays, but the Bill leaves it entirely to the people of those towns to decide. If they want the Saturday holiday they can have it; on the other hand, if they want the Wednesday holiday they can leave things as they stand and need not trouble about the matter. I have much pleasure in supporting the second reading of the Bill, with the exception I have just mentioned.

Hon. W. KINGSMILL (Metropolitan): I also have much pleasure in supporting the second reading of this Bill. It gives the public, at all events in one part of the State, an opportunity of saying how they would like to conduct their shopping business. I say advisedly, "in one portion of the State," because, while provision is fully made for the metropolitan district, which is set out to contain the Metropolitan Province, the Metropolitan-Suburban Province, and the West Province, which is, roughly speaking, the part of Western Australia between Midland Junction and Fremantle, the other shop districts are left undefined, and I see that under Subclause 4 of Clause 3 it is possible for the Governor to abolish all shop districts except the metropolitan shop district. I would like to know what is at the bottom of that. It seems significant that the power to abolish all these shop districts, except the metropolitan shop district, should be reserved in this Bill. I do not think when the Bill was introduced that point was explained. If so, I missed it, and if we are to gather that this referendum, which, I understand, is accepted as one of the principal weapons of the party in power, is to be only taken in this metropolitan district——

Hon. J. E. Dodd (Honorary Minister): Other districts will be taken by petition under this Act; ten per cent. of the electors on the roll.

Hon. W. KINGSMILL: Then an application by 10 per cent. of the electors renders a referendum necessary; and in places where a shop district is abolished, what happens? Why is this significant exception made that the Government shall have power to abolish all shop districts, except the metropolitan shop district? It is a point which I do not think has been fully explained. I daresay there is nothing in it, but I should like to have a little explanation for the necessity of putting that clause in the Bill. At all events hon. members representing other districts will be as enthusiastic about the Bill as the members of the metropolitan and metropolitan-suburban districts, and hon. members representing the goldfields should, I think, be rather aggrieved that the opportunity is not given to their electors in common with the electors of the metropolitan districts of deciding this vexed question at once.

Hon. J. E. Dodd (Honorary Minister): Shop districts under this Bill will cover a different area.

Hon. W. KINGSMILL: Why is the power of abolition given with regard to all shop districts except the metropolitan. There is only another point I wish to raise, and that is in reference to Clause 5. Of course in the metropolitan district we have a fairly small community, in which it is early yet to specialise too much. It appears that news agents and tobacconists, existing as newsagents and tobacconists, will have a hard task to make ends meet. This clause will have the effect of stopping them entirely from selling anything but newsagents' goods or tobacconists' goods, and I think that will have a bad effect on their business. I would like the House when deciding the Bill in Committee to take that question into consideration, that is, whether there is at the present stage of the development of Western Australia, any need to specialise in the strict manner as laid down in

Clause 5. With that exception, and after all it is not an exception, because the few words I have spoken are more for the purpose of acquiring information, and which I have no doubt will when given be found to be satisfactory to members, I beg to cordially support the second reading.

Question put and passed.

Bill read a second time.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Hon. B. C. O'BRIEN (Central), in moving the second reading, said: It is not often I weary this House by introducing Bills, but I do come along with some modest measure occasionally, and the one I am entrusted with at the present moment refers to workers' compensation. There has for some time been some anxiety to have certain amendments made to the Workers' Compensation Act of 1902. With that object in view an amending measure was introduced to Parliament a couple of years back, and the Bill on that occasion when submitted to another place was not favourably received, but it was referred to a select committee. That select committee sat, and the Bill now before us is their work. This Bill was submitted last session in another branch of the Legislature with the brand of the select committee upon it, and it was passed by that House with little or no opposition. It was sent along to this Chamber, but owing to pressure of business it was one of the slaughtered innocents. It was submitted again in the same form in another place this session, and again with little or no opposition it passed through all its stages there, and it is before the Legislative Council now. The measure is not in any way a drastic one, and there is nothing of a serious nature aimed at.

Hon. J. D. Connolly: This does not include all last year's Bill.

Hon. B. C. O'BRIEN: The Bill the hon. member refers to was the Bill before it went to the select committee. This Bill as we have it is the draft as prepared by the select committee.

Hon. Sir E. H. Wittenoom: No, it is not.

Hon. B. C. O'BRIEN: It is almost identical. There is little or no difference between the present Bill and that presented to another place last session as the work of the select committee. This Bill, as I have stated, has passed the Legislative Assembly on two occasions, and last year lapsed in this House, because there was not sufficient time to deal with it. The amendments that it was sought to bring about are the following:—Clause 2 merely contains a consequential amendment in the event of the measure becoming law, and in Clause 3 the amendment proposed is equally trifling. It deletes the words, "Small Debts Ordinance, 1863," and substitutes "Local Courts Act, 1904." The amendment under Clause 4 alters the word "worker" from the singular to the plural. Clause 5 seeks to amend the second schedule of the principal Act by adding to paragraph 1 a sub-paragraph as follows:—

> "Where, in case of death or incapacity from injury, compensation is payable to a worker, and such compensation is based on the worker's average weekly earnings, such earnings shall be deemed to be not less than a full working week's earnings at the ordinary (but not overtime) rate of pay for the work at which he was employed when the injury was received, notwithstanding that he may not have actually worked, or the employment may not have actually continued for the full week, and the compensation shall be computed and assessed accordingly: Provided that in no case shall the weekly payment be less than one pound."

Members, I take it, are familiar with the Act. What is aimed at is where the worker is injured and that worker has only been working, say, three or four days, or possibly only two days, and then is injured, it is sought by this paragraph to have the compensation that may be awarded to him computed as if he had worked the full week, and he would then draw his compensation at the rate of a full weekly wage. There is also a provi-

sion that the payments shall not be less than £1 per week. I do not think there is anything drastic in that, neither is there any hardship inflicted, and after all we are only trying to improve the condition of those who are unfortunate enough to meet with an accident. In the same clause by paragraph (c) it is proposed to provide that where a worker, who has been partially incapacitated by injury, resumes work, and is unable on account of the injury to continue that work, the resumption of the work by him shall not deprive him of any right to compensation which he otherwise had. By this paragraph the bona fides of the worker will be shown, and it will prove that he went back in the hope and belief that he was able to resume his work, but found himself unfit to do so. The paragraph would also prove that the injured man was not a malingerer. Consequently we ask in this provision that he should have the privilege and right to obtain compensation after having to leave work on the second occasion, just as if he had not started work at all.

Hon. M. L. Moss: Are there any such instances?

Hon. B. C. O'BRIEN: I know of one or two. Paragraph (d) makes provision in the case of an employee being injured and having been laid up for a month or a couple of months, if it appears to him that he is likely to remain so for a considerable time, he may, or his employer also may appeal to the Court for the purpose of fixing a lump sum which will clear off the liability in lieu of weekly payments. In some cases it may suit the employer, and it may suit the employee, to make an arrangement, but, if either desires to do so, he can seek the assistance of the Court. If an employee can show reasonable cause why that should be done, he has the right to do so, and the employer is placed in the same position. The last clause it not a very serious one, and it does not inflict any great hardship on the employer. It simply asks that in case of the employee being laid up for two weeks or upwards he shall have the right to claim compensation from the date on which he became injured. At the present time, an employee who is injured cannot claim compensation for the first two weeks, but he can claim after two weeks. In most cases, where the unfortunate man or woman meets with an injury the greater responsibilities and hardships have to be met with during that first fortnight, and consequently it often happens that they lose a fortnight's work and are put to considerable expense in attending to their injury, and they receive no compensation until after the first fortnight. What is sought here is that in the event of a worker being laid up for a fortnight payment shall start from the date of the accident, but unless he is laid up for one week the employer is not liable. Those are the provisions of the Bill, and I am sure this honourable House will deal fairly with them. There is nothing very drastic sought here, and there has been a general demand, during the last few years, for an amendment of the Workers' Compensation Act. I will admit that on previous occasions much wider and more drastic amendments have been asked, but the select committee, in their wisdom, considered that the present amendments would meet the requirements of the community for the time being, and, with that in view, we submit this Bill. It has passed another branch of the Legislature without any serious opposition, and it is almost identical with the measure which had the approbation of that Select Committee. I beg to move—

That the Bill be now read a second time.

Hon. Sir E. H. WITTENOOM (North): I do not take the usual course of moving the adjournment of the debate, because it is not a very large Bill, and it does not contain any very great principles. This Bill has been introduced by a private member, and I think it would be fair, at this stage, to make a protest against private members introducing Bills at this time of the session, when members have as much as they can do with Bills backed up by the Government. This is the second or third private Bill that has come forward this session, and I ob-

serve that there is another on the notice paper. Under those circumstances, and seeing the importance of the other Bills we have before us, the House could not be blamed if they gave the measure very short consideration. This Bill contains no new matter. It is simply an extension of the privileges previously given to the workers, but extensions which are all at the expense of the employer. They are quite right in getting them, if they can, I do not blame them, but these extensions are not altogether reasonable ones. Mr. O'Brien was quite correct in saying that a Bill of this nature had been introduced before in another place, but it had met with scant treatment there, and they could not take it any further. This Bill has dropped many of the provisions that were in the former measure, and it is brought down with only two or three proposals. The principal effects of the Bill are, firstly, it reduces the period for which the worker can claim compensation from two weeks to one; secondly, it provides that the minimum payment to an individual shall be £1 per week instead of 50 per cent. of his wages; and, thirdly, it empowers either party to have weekly compensation substituted by a lump sum after three months instead of six months. Now, with regard to the first one, which is an amendment of Clause 5 of the principal Act, it does away with the period of two weeks of exemption before anyone can claim compensation for accident. Hitherto, the law has been that if anyone meets with an accident of any kind he cannot claim from the employer until after two weeks have expired. This Bill now seeks to do away with two weeks, and to put in its place, that any serious accident can be claimed for from the time it occurs, but if it does not disable a man for more than one week the employer is not liable. I am quite in accord with the main principle, and I think it is only a fair thing that in serious accidents the victim should be paid from the time the accident occurs, but I am not in accord with the proposal to reduce the first two weeks to one week, because it affords a great chance for malingering. I do not say there are many cases where men do malinger, but there are some cases. A man may sustain a nasty squeeze to his finger, or his foot, but still be able to go on working; but if he has only to be ill for a week in order to claim compensation it might be an inducement to malinger, whereas 14 days exemption is something of an obstacle to any abuse of that kind. The select committee which dealt with this Bill and sat for some time took a very fair and reasonable view of this provision. As I said before, I am prepared for a man to be paid from the time of the injury, but I am not prepared to reduce the fortnight's exemption to one week. The words of the select committee on that point were as follows:—

> With reference to paragraph (a) of Clause 8, the committee are of opinion that to abolish the whole of the two weeks during which compensation is not payable under the present Act would lead to malingering, and the committee recommend that where incapacitation resulting from injury continues for a period of two weeks or upwards compensation shall be payable from the date of accident.

I am quite in accord with that recommendation, and if it is carried through it will be satisfactory to all of us.

Hon. B. C. O'Brien: Do I understand the hon. member to say that where injury has lasted two weeks or upwards they would pay from the beginning?

Hon. Sir E. H. WITTENOOM: The existing law at present is that the worker can claim only after two weeks. By the Bill it is sought to allow the claim from the date of injury, providing it lasts more than one week, and I consider that one week is too short, and that two weeks is a fair condition, with the addition that if the injury lasts beyond two weeks the worker can claim from the date of injury. Clauses 3 and 4 are not very important ones. But Clause 5, paragraph (a), means exactly to do away with the two weeks' exemption, and that would have to go, consequentially. I am in accord with paragraph (b), which, as Mr. O'Brien has explained, although not so fully as he might have done, means that

if any man is working for the Adelaide Steamship Co. for 3 days at the rate of 10s. per day, and then for McIlwraith, McEacharn for 4 days at 15s. a day, and after that for someone else at 12s. a day, and he sustains a hurt while he is working for 12s. a day, he should get what is recognised as the proper rate of wages according to the award for such work, whether he has worked 3 days, 4 days, or a week. That I am in accord with. It is fair that whatever rate of wages that work is earning the man should receive, but I take exception to the proviso that in no case shall the weekly payment be less than £1. Hitherto, the weekly payment was 50 per cent. of the wages which the man was earning. I will show how this proposed amendment will operate prejudicially. If a boy is working for 10s. or 12s. a week and he meets with an injury he will get £1 a week, so it pays him to get injured. Of course the argument against that is that the boy may be able to live on £1 a week and he cannot live on 10s. a week, and therefore it is said that the workers, when they are ill, shall get £1 a week, and nothing less to anybody; but I know a number of cases of boys who go to school most of the day and who get 7s. 6d. or 10s. a week for work after school, and if they are injured they will be entitled to 20s. a week; so that when we come to this clause I shall move to have it struck out with the view of putting in 50 per cent. If that is not carried I shall move an amendment that this provision shall only apply to people of 21 years of age and upwards. With regard to Clause 3 and all the rest of it, I am in accord. Also with Clause 11. Where the worker is incapacitated and tries to go to work and does not succeed, and finds after a day or two he is not well enough, there might be an unscrupulous employer who would say that the man had sacrificed his right to any further compensation. But if a man is honest and fair enough, as soon as he is well to go to work, and finds after two or three days that he cannot do his work, it is right that the compensation should continue afterwards. With regard to Clause 8, that means where a person is seriously injured, after three months either party can go to the court and ask for a lump sum instead of continuing the weekly payments. The law as it stands at the present time is that after six months the employee can go to the court, but it must be at the instance of the employer. The injured man cannot take the employer there, but at the instance of the employer, after six months a man can go to the court and arrange for a lump sum. Do not forget this, that after any period from one month upwards the parties can make an arrangement between themselves and come to a settlement. But what this clause tries to do is to reduce the six months to three months, and gives either party power to compel the other to go to the court and arrive at a decision. Instead of making this weekly payment, which hitherto has been 50 per cent. of the wages, he can get a lump sum. I contend it is far better to leave it at six months, for the reason that you cannot always tell exactly what is going to happen in three months in a serious injury. A man may have a broken arm which does not always heal in three months; it is not always possible to cure a man in three months, while you may in six. It is not always possible to tell in three months to what extent a man is injured; therefore the six months, as at present exists, is a fair time, but I am prepared to concede the point that at six months one party can take the other to court and arrive at a compromise. It would be fair in that way. As I have said, I hardly think the Bill was required at all, but with these amendments I am willing to give it all the support I can. We have not a great deal of time for these private Bills just at present, therefore, I think we should get through it as quickly as we possibly can. Having explained the Bill to that extent, from my point of view, I have nothing further to say than that I have pleasure in supporting the second reading of the measure, with the right to move these amendments in Committee.

Hon. J. E. DODD (Honorary Minister): I only desire to have a few words

to say on this Bill. In some respects I am sorry it has been introduced, because I would like to have seen a more comprehensive measure.

Hon. Sir E. H. Wittenoom: That is what I would like to have seen.

Hon. J. E. DODD (Honorary Minister): Dealing with the whole question of workers' compensation, I must differ from the hon. member who has just sat down in saying that this Bill is at the expense of the employer. I do not altogether differ from him in that respect, but I wish to emphasise that, in so far as the law relating to compensation is concerned, the worker is somewhat worse off to-day, in many respects, from what he has been for a number of years past. The doctrine, as it is called, of common employment operates particulary deadly against the worker at the present time.

Hon. Sir E. H. Wittenoom: Does this improve it?

Hon. J. E. DODD (Honorary Minister): This Bill was introduced originally in order to get over that and some other difficulties in connection with employers' liability and injuries to workmen. First of all the Employers' Liability Act was introduced to get over it, then we came to the Workers' Compensation, and as far as the common law is concerned the workers are particularly out of court altogether. Particularly is that so in the mining industries. A miner has no more chance of securing a verdict under common law than he has of getting to the moon.

Hon. M. L. Moss: He has the beneficial provisions of the Mines Regulation Act.

Hon. J. E. DODD (Honorary Minister): He has no power under the Mines Regulation Act to sue for injuries, that is taken away from him; he is limited to the Workers' Compensation Act at the present time because it is impossible for him to prove any neglect other than what may be neglect under the Act. In almost all employment the worker is out of court at common law, and it is very rarely he can secure a verdict under the Employers' Liability Act. I would just like to say further that the English Act is far more in advance of our Act. I would like to have seen something introduced to bring us more into line with the English Act, I mean the English Workers' Compensation Act, but that cannot be done this session. An effort was made to do it last session, but it was defeated. The amending Bill introduced by Mr. O'Brien certainly gives some relief, and I have much pleasure in supporting it.

Hon. M. L. MOSS (West): I would not have troubled the House on this question but for the speech just made by the honourable Mr. Dodd, and a more inaccurate statement of what remedies are open to injured workmen could not possibly have been made. The hon. member must be quite unacquainted with the provisions that are on our statute-book for the benefit of injured workmen to make a statement that practically there is no remedy left open to injured workmen than that under the Workers' Compensation Act. There are three remedies open to injured workmen; the common law remedy, the remedy provided under the Employers' Liability Act of 1894, and the remedies provided under the Workers' Compensation Act and its amendments. The hon. gentleman is quite correct in saying that the doctrine of common employment is very unfair, and I have always regarded it as a very unfair doctrine indeed. It has defeated, in numbers of instances, the right of injured persons to recover compensation, even when the negligence that caused the injury to the worker arose from a breach of duty on the part of the person who was really the vice-principal in connection with the carrying out of the work. For a long while in Ireland they created the doctrine to the extent of making the master liable for injuries by the vice-principal for negligence. The doctrine of common employment is a very cruel doctrine, and has been carried to a tremendous extent. If the injury arises through the negelct of the person exercising superintendence, and the workers are in common cause, the master is not liable for the injury, because it has been held by the court that that is one of the risks incidental to the employment. That cruel doc-

trine never makes the master liable unless it can be proved that there has been negligence on the part of the employer, or negligence on the part of an incompetent servant of the employer, or that the employer used defective plant and material. To say that the doctrine of common employment continues except for the Workers' Compensation Act is an unfair statement of the position as far as Western Australian workers are concerned. In 1894 the Employers' Liability Act was passed in this Parliament. It was a transcript of the English Act, and it provides—and therefore I cannot allow Mr. Dodd's statement to pass unchallenged—as follows:—

> By reason of any defect in the condition of the ways, works, machinery, or plants connected with or used in the business of the employer; or by reason of the negligence of any person in the service of the employer, who has any superintendence entrusted to him, while in the exercise of such superintendence; or by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, where such injury resulted from his having so conformed; or by reason of the act or omission of any person in the service of the employer, done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf; or by reason of the negligence of any person in the service of the employer who has the charge or control of any signal points, locomotive engine, or train upon a railway.

The plain English of that legislation is this: that when the injury arises from the negligence of a person exercising superintendence, or where the injury arises from the negligence of the person exercising superintendence and gives an order that a person is bound to conform to, and does conform to and sustains an injury, the doctrine of common employment has been absolutely swept away.

Hon. J. E. Dodd (Honorary Minister): You must know how difficult it is for a worker to prove it.

Hon. M. L. MOSS: It is a simple matter if the injury results to a worker as the result of a person exercising superintendence. It is then an easy matter to obtain judgment against an employer, but I admit that where a fellow worker is guilty of negligence there is no right of recovery. I do not think there should be; it is one of the risks incident to the employment. If a fellow worker in the same grade, so to speak, as the person injured, is responsible for that injury, the Employers' Liability Act does not come into operation. But you have another remedy without proof of negligence. The mere fact of injury enables you to get compensation under the Workers' Compensation Act, unless the injury is due to the wilful misconduct of the person sustaining the injury. In Committee I propose to ask for support in moving to make a further exception in the case of a man who, intoxicated, sustains an injury; in such a case no master ought to be burdened with the payment of compensation. The Mines Regulation Act lays down a code of regulations for the working of the mines, and a breach of those regulations is prima facie evidence of negligence against a master.

Hon. J. E. Dodd (Honorary Minister): You are absolutely wrong, Mr. Moss.

Hon. M. L. MOSS: There have been numbers of actions brought and verdicts obtained against owners for breaches of these regulations.

Hon. J. E. Dodd (Honorary Minister): I must say you know very little about the Act.

Hon. M. L. MOSS: I flatter myself I know something about it. I know sufficient to tell the hon. member that the statement he made to the House that the doctrine of common employment still exists in Western Australia is inaccurate as applied to the Employers' Liability Act, in cases where injuries result from the exercise of superintendence.

Hon. J. E. Dodd (Honorary Minitser): You are somewhat misconstruing my statement.

Mon. M. L. MOSS: Well, I am sorry, but that is how I interpreted your words. With regard to the other provisions of the Bill, I would like to draw the hon. member's attention to Clause 5, Subclause 3, which is rather peculiarly worded. It states that in the case of death or incapacity from injury compensation is payable to a worker. How it can be paid to a worker in the case of death I do not know. It will require some little reconstruction. It is something like the clause once introduced into the House to the effect that every person not worth £5 should be buried as a pauper. I am of the same opinion as Sir Edward Wittenoom in regard to this payment of £1 per week in the case of an employee in receipt of less than a £1 a week. It would be a fruitful means of getting that employee to malinger; and when you add to that the fact that many of these people are members of unions and lodges, and supplement the amount they receive in case of accident, it is obvious that cannot be allowed to stand. As to the provision for payment for the two weeks after a man sustains an injury which lasts for that period, I do not see why payment should not be made from the time the injury is sustained. There is just this to look at in regard to the Workers' Compensation Act; as you add all these additional privileges so you are increasing the cost of production, and as you pile up these additional obligations on the employer of labour so he is further burdened, because the insurance companies will charge an increased premium. There is no doubt the passage of this measure through the House will increase these premiums by, perhaps, 25 per cent. However, we have heard Sir Edward Wittenoom, who represents large employers of labour, and he does not seem to have very great objection to the measure, so subject to the alteration of that clause relating to £1 per week I feel disposed to give the Bill my support.

Hon. J. E. DODD (Honorary Minister): On a point of personal explanation, I desire to say that as far as the Mines Regulation Act is concerned, absolutely every power is taken away from the workmen to sue, and if Mr. Moss, although a member of the legal profession, does not know that, he should know it. If he will undertake to look the matter up to-morrow, or any other day and find that I am wrong, I shall then be willing to apologise for having made a mistake.

Hon. M. L. Moss: What about your statement in regard to the doctrine of common employment?

Hon. J. E. DODD (Honorary Minister): Just now I am only referring to the Mines Regulation Act. In regard to the other matter I said that almost every remedy had been taken away from the worker except under the Workers' Compensation Act. Under the Employers' Liability Act he has great difficulty in proving his case.

Hon. M. L. MOSS (in explanation): I would like to say I have never suggested that any additional remedies were given to the worker under the Mines Regulation Act. All I did say was that there is a code of regulations under the Act, the breach of which is prima facie evidence of negligence against the employer.

On motion by Hon. T. F. O. Brimage, debate adjourned.

BILL—POLICE BENEFIT FUND.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew), in moving the second reading, said: This small, though important amendment of the police benefit fund ordinance is introduced for the purpose of removing an anomaly which has been made patent in the administration of the law. Under the statute the widow and orphans of any member of the force who has served for a period of over seven years therein may claim a gratuity not exceeding one month's pay for each year's service of the deceased. It will be noted that the right to claim the gratuity is confined to the widow and orphans of the deceased, the intention, no doubt, being

that at death the money should go to those who had been dependent on the officer during his life. With that intention no fault can be found. There are few who will dispute that a gratuity towards which a member of the police force contributed substantially during his life should, in the event of his demise, become the property of those who had been relying upon him for support when he was in health and vigour. But if that was the intention of the ordinance the statute does not go far enough. Indeed, the practical operation of the ordinance shows that it fails to accomplish its evident object. Cases have arisen in which unmarried members of the police force who have been the main support of aged parents have died, and the aged and impoverished parents have been unable to draw the gratuity, for the simple reason, as already stated, that the ordinance recognises only the widow and orphans. Yet it may have been—as there is good reason to believe—that the officer has hesitated to marry because of his obligation to maintain his father or mother, or both. It is a defect in the ordinance which needs only to be pointed out to be admitted. The late Colonial Secretary last year investigated a case to which the Bill will apply. A constable, after close on 12 years' service, who was almost entitled to a gratuity, and whose widow and orphans would have been entitled to a gratuity, died, and as he was unmarried his next of kin could not claim the gratuity. He left a mother in distressed circumstance; she applied for a gratuity, and Mr. Connolly did all he possibly could to pay over the money, but found that he was blocked through the defect in the ordinance. Mr. Connolly recognised the injustice of the law and gave instructions for a Bill to be drafted to meet such circumstances. In going through some files I noted his decision, confirmed it, and hence the introduction of this measure. The addition of the words "next of kin" may be regarded as too sweeping an amendment. This struck me when a draft of the Bill was laid before me. It occurred to me that in some instances an unworthy relative might benefit through the amendment, for instance, a drunken brother. On investigation, however, I found that ample discretion is given to the board which administers the ordinance, and these powers of discretion can be exercised whenever advisable. In the first place the next of kin claiming a gratuity must make application to the board, and not until the board recommend can the Governor in Council say that the gratuity shall be paid to the applicant. So it will be seen that there is ample safeguard that none of this money can go into unworthy hands. Some information in connection with the police gratuity fund may be of interest. The fund was established specially for the purpose of providing the force with rewards while serving, and a gratuity on retiring. Every member of the police below the rank of sub-inspector is required to belong to the fund. The present membership is 456. The derivation of the fund is as follows:—(a) Monthly deduction from members of the force equivalent to three per cent. per annum of their pay; (b) A pound for pound contribution by the Treasury with the amount derived under (a); (c) All fines imposed on members of the force; (d) Proceeds of unclaimed stolen goods; (e) Fees and mileage for service of process of a local court, or a court of petty sessions under the Justices Act, 1902; (f) Fees, mileage, etcetera, for service of a writ of the Supreme Court; (g) Interest on investments. The balance to credit of the fund on the 31st October last was £14,755 14s. 10d., invested as follows:—Inscribed stock, £8,000 at 3½ per cent.; Treasury Bills, £2,830 at 3½ per cent., Savings Bank, £3,925 5s. 1d.; making a total of £14,755 5s. 1d. The deductions from the pay of the police for the year ended 30th June last amounted to £2,097 9s. 6d., and the Treasury contributions to £2,107 5s. 1d. I beg to move—

That the Bill be now read a second time.

Hon. J. D. CONNOLLY (North-East): I am quite familiar with the object of the Bill. It is to remedy a defect which the Minister has fully explained. For some time before I left office I had the benefit fund under consideration, and

had referred it to the Government Actuary to get a report as to whether it was advisable to continue it as a benefit fund or turn it into a pension scheme. A pension scheme has advantages over a benefit fund. Under a benefit fund a man who joins at 20, by the time he reaches 30, when he is in the prime of his life, has accumulated a certain amount, and there is a great inclination on his part to take the money and leave the force. Allow that officer to go on until he reaches 50, and he may have £700 or £800, or more, to draw, and if he retires from the force, he probably soon spends it. I think a pension scheme would be a much better way, provided it can be worked out. There are difficulties about it. There are many men now in the fund for a great number of years, and it would be necessary to get their consent to make a change. However, I think a pension scheme would be better. If the Colonial Secretary makes inquiries, he will probably find that the matter is in the hands of the Government Actuary.

The Colonial Secretary: He is dealing with it now.

Hon. J. D. CONNOLLY: The Bill before us is an urgent one, and should be passed to do justice to the mother of a late member of the force.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LICENSING ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading, said: The very mention of an amendment to the Licensing Act gives rise to suspicion that matters of a controversial nature are likely to be introduced, but there are no grounds for suspicion in this instance. Debatable points have been scrupulously avoided. Three amendments are contemplated and three only, and they are absolutely necessary for the administration of the Act and the protection of existing rights. The Redistribution of Seats Act, coming on top of the local option poll held under the old adjustment of the electorates, has created a position which the Crown Law Department find it difficult to overcome without the assistance of the Legislature. It was provided that the licensing districts should have the same boundaries as the electoral districts; but since the boundaries of the electoral districts have been altered, the question has arisen as to whether there has been any automatic alteration in the licensing districts as well. Again, another point has been raised that has not been satisfactorily decided, as to whether the local option poll was valid by reason of having been taken under licensing districts which have now been blotted out of existence by the Redistribution of Seats Act. The Government desire to be on safe grounds, and ask Parliament in this Bill to validate the local option poll held and leave no room for doubt as to what are the boundaries of the licensing districts. By the first part of the Bill before us the boundaries of the old licensing districts are kept as they were, but power is given to make two districts into one, or to divide a district into parts and give them names. There can be no question in connection with the local option poll. Any alteration of boundaries must take place prior to a local option poll. The next amendment applies to wayside licenses. These licenses give the right to sell wines, beer and spirits almost the same as publicans' general licenses, but they are restricted to townships whose population is not 100. With the progress of events and the development of the country many of these small townships, which previously had a population of less than 100, have now populations of more than 100; and, consequently, licensees holding wayside licenses are no longer eligible to secure a continuance of those licenses. Last session the necessity for the conversion of wayside house licenses into publicans' general licenses was somehow overlooked in the Licensing Bill; and, unless this

amendment is passed, every wayside house will become extinct in localities where the population exceeds 100 persons. The only difference between the status of wayside house licenses and that of publicans' general licenses that I can see is that in one case a small fee of £10 is paid, whereas in the other case the minimum is £40. The third amendment is introduced for a special purpose. On some land resumed by the Government for railway purposes in Perth a licensed hotel stands; and unless we can do what we propose in this Bill, there may be a very heavy claim for compensation for loss of license in connection with that property. So the Government want to be in a position to approach the owner and say they will build him another hotel like it as near as possible to the old one. I have every reason to believe that offer will be accepted, and, instead of having to pay compensation for the license which will be destroyed unless this Bill is passed, we shall be able to approach the owner of the hotel and tell him we will build another place for him close to his old hotel.

Hon. W. Kingsmill: Why make it general?

The COLONIAL SECRETARY: The necessity may arise again.

Hon. J. D. Connolly: The bench can grant the removal of any license from one end of a district to another.

The COLONIAL SECRETARY: We can discuss that matter in Committee. I move—

That the Bill be now read a second time.

Hon. W. KINGSMILL (Metropolitan): The Bill seems non-controversial with the exception of Clause 4. If the Government want special powers I maintain those powers should be specified; but to pass a general amendment to the Licensing Act which may be carried into effect anywhere by any licensing bench for any purpose, on account of a special case cropping up, is, I think, a very bad method to adopt. I wonder so little debate has taken place over this. The whole question raised in Section 57 of the principal Act, that is, of the removal of licenses, is fraught with a great deal of difficulty, and the powers therein given may be put to a very bad use. The whole of the section is bad, and to amplify it in the way it is now proposed to do is undoubtedly a very bad principle indeed. If the Government thought fit to introduce a special Bill in the case of the Dwelling-up State hotel, then I venture to say in regard to this hotel—I do not know where it is, or the price they are paying——

Hon. B. C. O'Brien: It is the Newmarket hotel, on resumed land.

Hon. W. KINGSMILL: Then the Government should introduce a Newmarket Hotel Bill; but to give general powers to any licensing bench in this wholesale manner for what is, after all, a special case not likely to arise again, is a proceeding which is very strongly to be deprecated. I hope the Colonial Secretary will not go on with Clause 4 until he has made it abundantly apparent it refers only to the special instance he has mentioned.

The Colonial Secretary: I do not propose to go on with that clause to-night.

Hon. W. KINGSMILL: It is a bad thing to introduce general legislation for a special subject. With this exception, I support the second reading.

Hon. J. D. CONNOLLY (North-East): I hold exactly the same view of the position as Mr. Kingsmill. The first part of the Bill is certainly non-contentious, but Clause 4 is a dangerous clause. There can be no objection to the power being used in the instance the Minister has mentioned, but the clause gives exactly the same power to every licensing bench in Western Australia. I do not know what the boundaries of the Perth district are, but I think a bench would be quite entitled to shift a license from Maylands to, say, Claremont, or Hay Street West, and I think that is a power that should not be given to every licensing bench. No doubt, by amending the clause, the case mentioned by the Minister can be covered. I would suggest that the Minister should consult the Attorney General and get an amendment to cover that case, without giving the licensing benches the very wide power given here. It is a dangerous power that can nullify a local option poll. A bench would be

given power to put a new license in a particular district.

The Colonial Secretary: Only by transfer.

Hon. J. D. CONNOLLY: It is constituting practically a new license. To transfer, for instance, to Hay Street West would be, so far as Hay Street West is concerned, constituting a new license.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Amendment of Section 57:

Progress reported.

BILL—COLLIE RATES VALIDATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew), in moving the second reading, said: This Bill has been rendered necessary through a technical error on the part of the Collie municipality. From time to time we have to submit Bills of this nature. The error in this case is specified in the short notes I have received from the town clerk of Collie. It appears that a rate was struck on the 11th April, 1910, and entered up on that date, whereas according to the Municipalities Act it should have been done in December, 1909. I beg to move—

That the Bill be now read a second time.

Hon. V. HAMERSLEY (East): We have not had a great deal of time to look into this matter. It has just dawned upon me that it is possible that this may be undermining the people of that locality and getting rates from them 12 months before they have been struck. Some of that smart sort of business has already been done.

Hon. Sir E. H. Wittenoom: They have their representative in the other House looking after them.

Hon. V. HAMERSLEY: Their representative there is probably one of those who is rather keen on this system of extracting funds from those who own property. I know that in many of these districts rates have been put back six months and the people have had to pay double. It is possible that this may be another such instance. I commend the Bill to members for further consideration; at any rate I would like a further explanation before it passes the second reading stage.

Hon. E. M. CLARKE (South-West): I take it that all that is wanted is that some technicality in the Municipalities Act which was overlooked should be put right. It really amounts to this, that the Collie council desire to legalise something that was done in error. This kind of thing has occurred repeatedly in connection with municipal councils and roads boards. These bodies have levied rates not exactly in accordance with the Act, and as long as the Minister assures us that no injustice will be done, I have no objection to the Bill. I know that many secretaries of these bodies are not infallible and the chairmen or mayors are too often in the habit of leaving everything to the officers; at the same time I think there ought to be more care exercised by these officers.

The COLONIAL SECRETARY (in reply): This matter has been before the country and has been noticed in the Press, and if anyone had had any complaints to make they would have been made before this. I should perhaps have explained that this Bill applies to rates already paid and the Collie municipal council are in fear that refunds might be asked, and to avoid that they ask that their action might be validated.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate; reported with amendment; and the report adopted.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is rendered necessary by the rapid agricultural development of the State and the expansion of the rural industry. The Agricultural Bank commenced operations in January, 1895, and during the first year of its existence advanced the sum of £7,065 ; last year the amount advanced was £283,158 and the loans authorised amounted to £452,995. The scope of its authority during its earlier years was so very much restricted, as at that period the agricultural industry was only in its infancy. In 1906 the scope of the measure was extended so as to include advances on the full value of improvements up to £400. The respective amounts advanced in 1906 and in the subsequent years are as follows:— For year ended June 30th, 1906, the total was £393,908 and the area cleared was 212,805 acres ; in 1906-7 the advances were £131,271 and the area cleared 63,161 acres ; in 1907-8 the advances were £218,421, and the area cleared 102,128 acres ; in 1908-9 the advances were £261,076, and the area cleared 113,973 acres ; in 1909-10 the advances were £252,407, and the area cleared 111,449 acres ; in 1910-11 the advances were £283,158, and the area cleared 123,868 acres. Last year was a record year, not only in regard to the amount advanced, but also in reference to the area cleared. The total amount advanced by the Bank is £1,540,241, and the total area cleared since the inception of the bank and through its instrumentality is 727,384 acres. The total loans authorised to the 30th June last amounted to £2,227,215 of which £1,540,241 have been advanced to over 8,000 farmers. The repayments have amounted to £563,430, leaving a balance outstanding on the 30th June of £976,811.

Hon. W. Kingsmill: Into which fund do these repayments go?

The COLONIAL SECRETARY: A trust fund. Since the inception of the bank there has been cleared 727,384 acres, cultivated 213,042 acres, ringbarked 1,137-409 acres, and fenced 1,029,968 acres. Water supplies have been provided at a cost of £78,581, draining £5,386, buildings £83,868, and 521 acres of orchards have been planted, while blackboy and poison grubbing has been carried out on 48,246 acres. In all 65 properties have reverted to the bank, and the only loss sustained has been £7 10s. in interest, which it was found necessary to write off. At the present time the bank has a reserve of £37,831, which will be available to meet future losses. The object of this Bill in the first place is to increase the capital from £2,500,000 to £3,000,000, which will be enough to enable the bank to carry on until the end of the present financial year. In the second place the object is to liberalise and extend the finances of the bank. It has been found that the present limitations have the effect of considerably restricting its usefulness. At the present time the limit of the total amount lent is fixed at £750, and not only is there a limit as to the amount which the managing trustees can lend, but there are stipulated conditions, and in some instances harrassing conditions as to how that money shall be expended. At any rate, such are the conditions imposed that it it deemed advisable in the interests of the agricultural industry that they should be removed by legislation. At the present time the bank lends money to effect improvements, and it helps a man up to a certain extent; while he requires money to effect improvements it assists him, but when his land has become a good security, it abandons him and he is obliged to go over to the private financiers for all assistance in future. We wish to obviate that. We say that if we have nursed him until he is strong, until he is a good customer and has a good security, why should we abandon him? Why not continue to help him and afford him facilities, in order that he may carry on his operations? That is what we propose to do in this Bill. In this measure the trustees are given discretion to lend on security just the same as private banks, in connection with the agricultural industry, or

any industry which may be proclaimed a rural industry? A man may not want to improve his farm; it may be fully improved already, and he may require money for the purchase of stock other than breeding stock; he may wish to purchase sheep or erect a house.

Hon. Sir E. H. Wittenoom: That is the worst of all.

The COLONIAL SECRETARY: Providing he has the security why should we not give him a loan? If he approaches a private bank the manager will consider his application on business lines.

Hon. Sir E. H. Wittenoom: Not for a house.

The COLONIAL SECRETARY: Yes, for a house in some cases, although I admit that Sir Edward Wittenoom should know. The private bank will consider if the security is good, and if it is, and the man who requires the money is of good character, and they desire his custom, the loan is forthcoming. That is not so with the Agricultural Bank. That institution says that if he has made his improvements he can get no more assistance, unless he wants to make further improvements. Why should that be so? The object of the Bill is to extend the usefulness of the bank so that the trustees can lend money when the security is good.

Hon. J. D. Connolly: What do you call a rural industry?

The COLONIAL SECRETARY: I should say that the dairying industry is a rural industry.

Hon. W. Kingsmill: The meat industry.

The COLONIAL SECRETARY: Yes, and the wine industry too could be proclaimed a rural industry. The margin of security in connection with any loan is left to the managing trustees of the Bank. There is absolutely no condition imposed upon them in connection with this Bill, and if we can have men in charge of the bank in whom the public have confidence, just like the directors of a private bank——

Hon. W. Kingsmill: And who are sent out on advisory boards.

The COLONIAL SECRETARY: I think we may safely entrust those responsibilities to men we consider worthy at all to administer a State financial institution. It may be said that the trustees of this agricultural bank do not stand on the same plane as directors of private financial institutions, because, as a rule, the latter have a considerable amount of money invested in the form of shares in the bank. I do not agree with that. The managing trustee occupies a very responsible position in the public service, he receives a large salary, and, not only his reputation, but also his livelihood, is at stake. Although it is possible that mistakes will occur, and must occur, from time to time, the administration under proper Government supervision will be on safe and sure lines.

Hon. J. D. Connolly: Is there any limit to the amount?

The COLONIAL SECRETARY: No. The bank will still be able to advance money by progress payments for improvements just as is done at the present time, but something more than that has been found necessary. As I said before, the farmer may wish to buy stock or agricultural machinery. Under the present Act he can borrow £100 for the purchase of agricultural machinery made in Western Australia, and £100 for the purchase of breeding stock. There is very little agricultural machinery made in Western Australia just now, and consequently that provision in the Act is practically of no use. With regard to the breeding stock, if a man needs stock, he needs stock that he can use on his farm, and put in a team; if he spent £100 in buying breeding mares how many could he secure? The amount seems to me ridiculous to serve the purpose for which it is intended. Again, suppose a farmer has a property worth £5,000, and he wants £500 to buy sheep; he cannot get that money from the Agricultural Bank because the trustees have not power to lend him that money, notwithstanding that he has £5,000 worth of security.

Hon. V. Hamersley: He would not go to the Agricultural Bank.

The COLONIAL SECRETARY: Why should he not?

Hon. V. Hamersley: Because there is too much red tape.

The COLONIAL SECRETARY: I do not think so. There were at times complaints of the administration, and of delays, but to-day I think the bank is being administered in a most satisfactory manner. I know that some years ago there were complaints in my district, and in other districts; no doubt the manager was not furnished with sufficient inspectors and other assistants to carry out his duties, but to-day very few complaints are heard. As I pointed out, no matter what security a man might have, unless he wanted the money to put further improvements on his land, he would not be able to secure money from the Agricultural Bank.

Hon. J. D. Connolly: Has the money to be paid in 30 years as formerly?

The COLONIAL SECRETARY: There is no provision as to when the amount is to be repaid; that would be left to be included in the mortgage deed. The trustees would consider every case on its merits, and every provision would be made for the repayment in the agreement which would be drawn up. It is not necessary that all the conditions should be included in the Bill.

Hon. J. D. Connolly: Under the present Act the term is 30 years.

The COLONIAL SECRETARY: Yes. I am not too sure whether I have correctly answered the question that has been asked me, because I have not seen this Bill very much since it passed another place.

Hon. W. Kingsmill: It does not say anything about repayment in the schedule.

The COLONIAL SECRETARY: No doubt ample provision will be made for repayment. Provision is made that if the loan is not used for the purpose for which it was intended, and it is not being carefully and economically expended, the managing trustees may refuse to grant further loans and may call in the amount already advanced. The same remedies for the recovery of money loaned will be available as are provided by the present Act. I beg to move—

That the Bill be now read a second time.

Hon. E. M. CLARKE (South-West): It is obvious that in this Bill greater powers are given to the Agricultural Bank, and, while I would not wish in any way to curtail those powers, I think, in view of what has taken place in the far eastern districts, it behoves the trustees to be careful in their actions. I want the Minister to tell the House if the provisions of the Bill will be availed of in connection with workers' dwellings. Is it intended that the money shall be advanced to meet the requirements of the Bill that is to be brought before us?

The Colonial Secretary: It is a separate Bill.

Hon. E. M. CLARKE: Yes, but are the funds for the workers' dwellings to be taken from the Agricultural Bank funds which are now under consideration; will that be a separate fund?

The Colonial Secretary: Yes.

Hon. E. M. CLARKE: Will it be under separate management?

The Colonial Secretary: I cannot say.

Hon. E. M. CLARKE: If we are to have a whole board in addition to the staff of officers in existence at the present time in connection with the Agricultural Bank, there will be practically two boards doing almost the same work. Of course they must have separate sets of books, but it appears to me that we will have separate officers carrying out these two different Acts in the one place. We ought to have some information as to how the Bill now before us is going to be applied. Has it anything to do with the Bill that is coming forward in regard to workers' dwellings? Can the Colonial Secretary tell us whether the funds provided here are to be devoted to that purpose? I do not ask this question in any hostile spirit but only in order to get information.

On motion by Hon. V. Hamersley, debate adjourned.

House adjourned at 9.28 p.m.